

TOWN OF FALMOUTH
SELECT BOARD
REVISED AGENDA
MONDAY, FEBRUARY 1, 2021 – 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 February 1, 2021 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.falmouthma.gov/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. Proclamation – 100th Birthday Proclamation – Samuel N. Johnson
4. Recognition
5. Announcements - Davis Straits Reset Survey
6. Public Comment
7. Update/discussion on Rt. 151 traffic safety issues

7:30 p.m. PUBLIC HEARINGS

1. Application for Transfer of a Wine and Malt Package Store License – M. A. Friends, Inc. d/b/a Jack in the Beanstalk, 800 Gifford Street Extension, Falmouth, continued from 1/11/21
2. Wetland/Dock Hearing – Nikolas J., John S., Anthony P. Pentikis/James N. Pentikis Trust UDT for permission to license, retain and maintain existing two (2) 4' x 20' floats in and over the waters of Eel Pond Canal, located at 5 Canapitsit Drive, East Falmouth

3. Application for Transfer of an All Alcoholic Beverages Common Victualler License – Shipwrecked, LLC, located at 263 Grand Avenue, Falmouth. Application has also been made for the Transfer of the Entertainment and Sunday Entertainment licenses.
4. Application for Transfer of an All Alcoholic Beverages Innholder License – Seacrest Concessionaire, LLC, located at 350 Quaker Road, North Falmouth. Application has also been made for the Transfer of the Entertainment License, Sunday Entertainment License and Automatic Amusement License.
5. Application for a New All Alcoholic Beverages Common Victualler License – Train Bridge View, LLC d/b/a Sweet Rice, located at 167 Teaticket Highway, Teaticket
6. Application for Transfer of an All Alcoholic Beverages Package Store License – Gajanan Package Corporation d/b/a Falmouth Wine & Spirits, located at 322 Palmer Avenue

8:00 p.m. SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Vote to accept donation in the amount of \$100,000.00 from an anonymous donor to the Conservation Department donation account for the Coonamessett Greenway Heritage Trail (and Gateway) and future river restoration projects
 - b. Vote to accept FY2021 Traffic Grant – Municipal Road Safety Program grant funding in the amount of \$25,000.00 awarded to the Falmouth Police Department from the Executive Office of Public Safety and Security’s Highway Safety Division
 - c. Vote to extend lease between the Town of Falmouth and the North Falmouth Village Association of the Old North Falmouth Fire Station (“The Village Junction”), 212 Old Main Road, for an additional 10-year term
 - d. Approve and execute access easement to Lawrence Lynch, LLC for solar project on Locustfield Road with appurtenant drainage and reserved area easement as authorized by Article 20, November 2019 Annual Town Meeting
 - e. Authorize the Town Manager to allow a one-time additional vacation carry over for AFSCME Union and the Town’s Technical, Administrative, and Management (TAM) employees due to the COVID-19 pandemic

8:30 p.m. BUSINESS

1. Discussion/update on COVID-19 issues
2. Discussion/vote affirming site for future new fifth fire station at 860 Sandwich Road
3. Discuss format for upcoming April Town Meeting
4. Vote Articles and Execute Warrant for April 2021 Annual Town Meeting
5. Approve 2021 Annual License Renewals:
COMMON VICTUALLER
 The Buffalo Jump, 277 Hatchville Road, East Falmouth
6. Review and Vote to Approve Minutes of Meetings:
 - Public Session – December 7, 2020; January 4, 2021 and January 25, 2021
7. Individual Select Board Members’ Reports
8. Town Manager’s Report

Megan English Braga, Chair
 Select Board

OPEN SESSION

PROCLAMATION

#3. 100th Birthday Proclamation – Samuel N. Johnson



PROCLAMATION

WHEREAS, Samuel N. Johnson, a resident of Falmouth for 38 years, will be celebrating his 100th birthday on February 9, 2021;

WHEREAS, Samuel N. Johnson was born in Pittsfield, Massachusetts on February 9, 1921;

WHEREAS, Samuel is a World War II Veteran, having served in the Navy V5 Program from 1942 until 1945, and held a Service Rank of E/M, 2/C;

WHEREAS, Samuel worked for General Electric as an Engineer;

WHEREAS, Samuel married the love of his life, Betty, on May 5, 1945;

WHEREAS, Samuel has six children and many grandchildren and great-grandchildren.

NOW, THEREFORE, WE the Select Board of the Town of Falmouth, Massachusetts, do hereby proclaim **Tuesday, February 9, 2021** as:

SAMUEL N. JOHNSON DAY

IN WITNESS WHEREOF, We, Megan English Braga, Douglas C. Brown, Douglas H. Jones, Samuel H. Patterson and Nancy R. Taylor have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 1st day of February, 2021.

Megan English Braga, Chair

Samuel H. Patterson

Douglas C. Brown, Vice Chair

Nancy R. Taylor

Douglas H. Jones

SELECT BOARD

OPEN SESSION

#7. Update/discussion on Rt. 151 traffic safety issues



TOWN OF FALMOUTH

DEPARTMENT OF PUBLIC WORKS



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

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Falmouth, MA 02540
Cape Cod

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Email: peter.mcconarty@falmouthma.gov

Date: January 29, 2021

To: Select Board
Julian M. Suso, Town Manager

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

Re: Route 151 Safety Initiative Review Report

Attached is a portion of a Road Safety Audit that was performed along Nathan Ellis Highway (Route 151):
An outline of the report is below:

On June 8, 2018, a final Road Safety Audit (RSA) for 3 major intersections along Nathan Ellis Highway (Rte. 151) was finalized and submitted to the Falmouth Department of Public Works. During the report development stages, on-site meetings were conducted and included the following departments: Town Transportation Consultant; MassDOT; Cape Cod Commission; Falmouth Public Safety officials; multiple Town Department Heads; and a member of the Falmouth Bikeway's Committee (a list of attendees are shown on page 4 of the report). During the site meeting, safety concerns were discussed for each location and are addressed within the RSA report.

The 3 major intersections include:

1. Nathan Ellis Highway / Sam Turner Road / Boxberry Hill Road / Cloverfield Way.
2. Nathan Ellis Highway / Sandwich Road.
3. Nathan Ellis Highway / Currier Road.

The report shows and describes the current conditions of each intersection, lists a crash type history, outlines safety observations, safety concerns, and describes potential safety enhancements.

Although a full RSA for the entire segment of Route 151 was not performed, the potential safety enhancements listed for each location can be used in areas outside of the intersection extents. The safety enhancements can be grouped into 3 discussion areas:

1. Immediate improvements: Cutting back and uplifting brush for better sightlines; Replacing and adding signage with better reflectivity during nighttime hours.
2. Short term improvements: Restriping and reconfiguring painted lane lines; Stop bars; Driver speed limit feedback signs; Review of street lighting.
3. Long term improvements: Review and design of vertical roadway geometry; safety design considerations.

A full RSA report (241 pages) is available in the Public Works Engineering Office.

I will be in attendance at the Select Board meeting to answer additional questions.

Respectfully submitted,

Peter M. McConarty
Director of Public Works

ROAD SAFETY AUDIT

Route 151 Corridor

Town of Falmouth

June 8, 2018

Prepared For:
Massachusetts Department of Transportation (MassDOT)
Highway Division – District 5



Town of Falmouth, Massachusetts



Prepared By:
TEC, Inc.
146 Dascomb Road
Andover, MA 01810



In Coordination With:
Tata & Howard
67 Forest Street
Marlborough, MA 01752



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Background

TEC, Inc. (TEC), in cooperation with the Town of Falmouth, Massachusetts and the Massachusetts Department of Transportation (MassDOT), is evaluating the existing traffic safety characteristics along Route 151, also signed as Nathan Ellis Highway, between Falmouth Woods Road and Currier Road in Falmouth, Massachusetts. TEC is conducting this safety evaluation as one of the first steps towards the design development of traffic and roadway safety improvements along the Route 151 corridor through Falmouth.

Road Safety Audit Justification

An RSA, as defined by the Federal Highway Administration (FHWA), is the *formal safety performance examination of an existing or future road or intersection by an independent, multidisciplinary team*. The purpose of the RSA is to observe, identify, and report all safety issues and identify future opportunities for safety enhancement improvements for all roadway users. This includes identifying short-term, mid-term, and long-term safety improvements that can be implemented through general maintenance, immediate installation / removal, or could be potentially incorporated into future improvement projects. Enhancements or improvements, can take the form of one or more of the 4 E's; including Engineering, Education, Emergency Response, and Enforcement.

The U.S. Congress enacted the “Safe, Accountable, Flexible, Efficient, Transportation Act - A Legacy for Users” (SAFETEA-LU) in August 2005. This act provides guidance and funding for the implementation of a State Highway Safety Improvement Program (HSIP). As part of this Program, all states are required to develop a Strategic Highway Safety Plan (SHSP). The Massachusetts Department of Transportation (MassDOT) guidelines require an RSA be conducted where HSIP-eligible crash clusters are present within the study area of a transportation improvement project prior to commencing or finalizing a 25% Design. An intersection is defined as HSIP-eligible if the intersection is within the top five (5) percent of clusters in its respective Regional Planning Commission (RPC) boundaries based on Equivalent Property Damage Only (EPDO). EPDO rates crashes based on the crash severity.

Based on the published MassDOT database, the intersections of Nathan Ellis Highway (Route 151) / Currier Road and Nathan Ellis Highway (Route 151) / Sandwich Road are designated as 2013-2015 HSIP Crash Clusters. Furthermore, the Town of Falmouth has raised safety concerns at the intersection cluster of Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way and Nathan Ellis Highway (Route 151) / Boxberry Hill Road. Therefore, all three locations have been included in this RSA.

Project Data

TEC of Andover, Massachusetts is the primary traffic safety investigation consultant in this RSA for the Nathan Ellis Highway (Route 151) corridor in Falmouth, Massachusetts. The RSA meeting was conducted on Thursday, May 3, 2018 at 9:00 AM, with the pre- and post-audit meetings held in Room 2 at the Gus Canty (Falmouth) Recreation Center, located at 790 Main Street in Falmouth, Massachusetts.

A copy of the RSA agenda can be found in Appendix A. TEC also conducted various field visits to the audit locations.

As presented below in Table 1, the audit team consisted of a cross-section of state, regional, and local engineering, enforcement, maintenance, and emergency response professionals and was assembled in conjunction with input from MassDOT’s Traffic Safety Management Unit. Contact information for all participating audit team members is provided in Appendix B.

Table 1: Participating Audit Team Members

Audit Team Member	Agency/Affiliation
Ed Dunne	Falmouth Police Department
James Porter	Falmouth Police Department
Michael Small	Falmouth Fire Department
James McLoughlin	Falmouth Department of Public Works
Peter McConarty	Falmouth Department of Public Works
Raymond Jack	Falmouth Department of Public Works
Thomas Bolt	Falmouth Planning Department
Julian M. Suso	Town of Falmouth
David Nolan	Cape Cod Commission
Lev Malakhoff	Cape Cod Commission
Ted Rowan	Falmouth Bikeway Commission
Michelle Deng	MassDOT Traffic Safety
Kevin T. Fitzgerald	MassDOT Traffic Safety
Thomas Rebello	MassDOT District 5 Traffic
Faina Veinstein	MassDOT District 5 Projects
Phil MacClellan	Tata & Howard, Inc.
Patrick O’Neale	Tata & Howard, Inc.
Elizabeth Oltman	TEC, Inc.
Eindra (Elena) Aung	TEC, Inc.

Audit participants were provided with materials to review prior to the audit meeting. The materials included a summary of crash data, collision diagrams, and a summary of the type and severity of crashes (See Appendix). Participants were encouraged to visit the site prior to the audit and were urged to consider elements on MassDOT’s Safety Review Prompt List.

On the day of the audit, a pre-audit meeting was held to discuss the project’s background, the audit process, review the distributed materials, and discuss some of the issues that Team members had observed individually. Each participant was asked to provide his or her concerns and comments related to the safety issues at the study area intersections. The audit site walk consisted of field observations at the audit intersection. Handwritten notes and photographs documented the observations made by audit team members during the site walk. Following the audit site walk, a post-audit meeting was held where the Team confirmed the observations made in the field and offered solutions and potential countermeasures to enhance the safety of areas noted in the site walk and pre-audit meeting.

Project Location and Description

The RSA was conducted at three intersections along the Route 151 corridor, including:

- Nathan Ellis Highway (Route 151) / Currier Road
- Nathan Ellis Highway (Route 151) / Sandwich Road
- Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way/ Boxberry Hill Road

A study area location map for each of the three intersections along the Route 151 corridor is provided in Figures 1 through 3. A detailed description of the study area roadways and intersections is provided below:

Existing Geometry and Infrastructure Summary

Nathan Ellis Highway (Route 151)

Nathan Ellis Highway, signed as State Route 151, is an east-west urban principal arterial roadway under the jurisdiction of the Town of Falmouth. The roadway provides regional connection between Route 28 in the Town of Falmouth to the west and Route 28 in the Town of Mashpee to the east. Nathan Ellis Highway generally consists of one travel lane and striped shoulders in each direction with a cross-section of approximately 40-feet throughout the study area. Directional flow along Nathan Ellis Highway is separated by a marked centerline. Within the study area, sidewalks and formal bicycle accommodations are not provided. A speed limit of 50 miles per hour (MPH) is posted within the study area, with the exception of the vicinity of Nathan Ellis Highway (Route 151) / Sandwich Road, where a speed limit of 35 MPH is posted. Land uses along Nathan Ellis Highway are mixed residential, recreational and neighborhood commercial.

Sandwich Road

Sandwich Road is a north-south, urban principal arterial roadway under the jurisdiction of the Town of Falmouth. The roadway provides regional connection between the Town of Mashpee to the north and Town of Falmouth downtown to the south. Sandwich Road consists of one travel lane and striped shoulders in each direction with a cross-section of approximately 35-feet throughout the study area. Directional flow along Sandwich Road is separated by a double-yellow centerline. Within the study area, sidewalks are provided along the east side of Sandwich Road north of Route 151. Bicycle accommodations are not provided. A speed limit of 45 MPH is posted within the study area. Land uses along Sandwich Road are primarily residential.

Intersection: Nathan Ellis Highway (Route 151) / Currier Road

Currier Road intersects Nathan Ellis Highway (Route 151) to form a four-legged unsignalized intersection. Currier Road, which is under the Town of Falmouth jurisdiction, is classified as urban minor arterial south of Route 151 and as local roadway north of Route 151. The Currier Road northbound and southbound approaches operate under stop control while the Nathan Ellis Highway eastbound and westbound approaches are free-flowing. An overhead flashing beacon is provided at the intersection. The

Currier Road northbound and southbound approaches consist of a general-purpose lane with directional flow separated by a marked centerline. The Nathan Ellis Highway eastbound and westbound approaches consist of a single general-purpose lane with directional flow separated by a marked centerline. There are no sidewalks, crosswalks or formal bicycle accommodations provided at this intersection. Land uses at this intersection include a commercial use and the Cape Cod Fairgrounds.

Intersection: Nathan Ellis Highway (Route 151) / Sandwich Road

Sandwich Road intersects Nathan Ellis Highway (Route 151) to form a four-legged signalized intersection. The Sandwich Road southbound approach consists of a single general-purpose lane with directional flow separated by a marked centerline. The Sandwich Road northbound approach consists of a shared through / left turn lane and a channelized right turn lane with directional flow separated by a marked centerline. The eastbound approach of Nathan Ellis Highway consists of a shared through / left turn lane and a shared through / right turn lane with directional flow separated by a marked centerline. The westbound approach of Nathan Ellis Highway consists of an exclusive left turn lane and a shared through / right turn lane with directional flow separated by a marked centerline. Crosswalks are provided across the westbound approach of Nathan Ellis Highway and across the northbound channelized right turn lane. A sidewalk is provided along the east side of Sandwich Road north of Route 151. There are no pedestrian signal equipment or formal bicycle accommodations provided at this intersection. Land uses at this intersection include a residential use, a house of worship, and a convenience store/gas station.

Intersection: Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way / Boxberry Hill Road

Sam Turner Road and a dead end Cloverfield Way intersect Nathan Ellis Highway (Route 151) to form a four-legged unsignalized intersection. Sam Turner Road is classified as an urban collector roadway under the jurisdiction of the Town of Falmouth. Cloverfield Way is classified as a local roadway under the jurisdiction of the Town of Falmouth. The Sam Turner Road northbound and Cloverfield Way southbound approaches operate under stop control while the Nathan Ellis Highway eastbound and westbound approaches are free-flowing. Flashing beacons are provided at the intersection. The Cloverfield Way southbound approach consists of a single general-purpose lane with directional flow not delineated. Immediately to the north of the intersection along Cloverfield Way is an access driveway to a parking area for the Frances Crane Wildlife Management Area on the northeast corner of the intersection. The Sam Turner Road northbound approach consists of a single general-purpose lane with directional flow separated by a marked centerline. The Nathan Ellis Highway eastbound and westbound approaches consist of one general purpose lane in each direction separated by a marked centerline. There are no sidewalks, crosswalks or formal bicycle accommodations provided at this intersection. Land uses at this intersection include residential uses and open space.

Boxberry Hill Road intersects Nathan Ellis Highway (Route 151) approximately 125 feet to the east of Sam Turner Road to form a three-legged unsignalized intersection. Boxberry Hill Road is classified as an urban collector roadway under the jurisdiction of the Town of Falmouth. The Boxberry Hill Road northbound approach operates under stop control while the Nathan Ellis Highway eastbound and westbound approaches are free-flowing. Flashing beacons are provided at the intersection. The Boxberry Hill Road northbound approach consists of a wide general-purpose lane with directional flow separated

by a marked centerline. The Nathan Ellis Highway eastbound and westbound approaches consist of a single general-purpose lane with directional flow separated by a marked centerline. There are no sidewalks, crosswalks or formal bicycle accommodations provided at this intersection. Land uses at this intersection include residential uses and open space.



1" = 40'

Route 151 Corridor High Crash Locations - Falmouth, Massachusetts Road Safety Audit

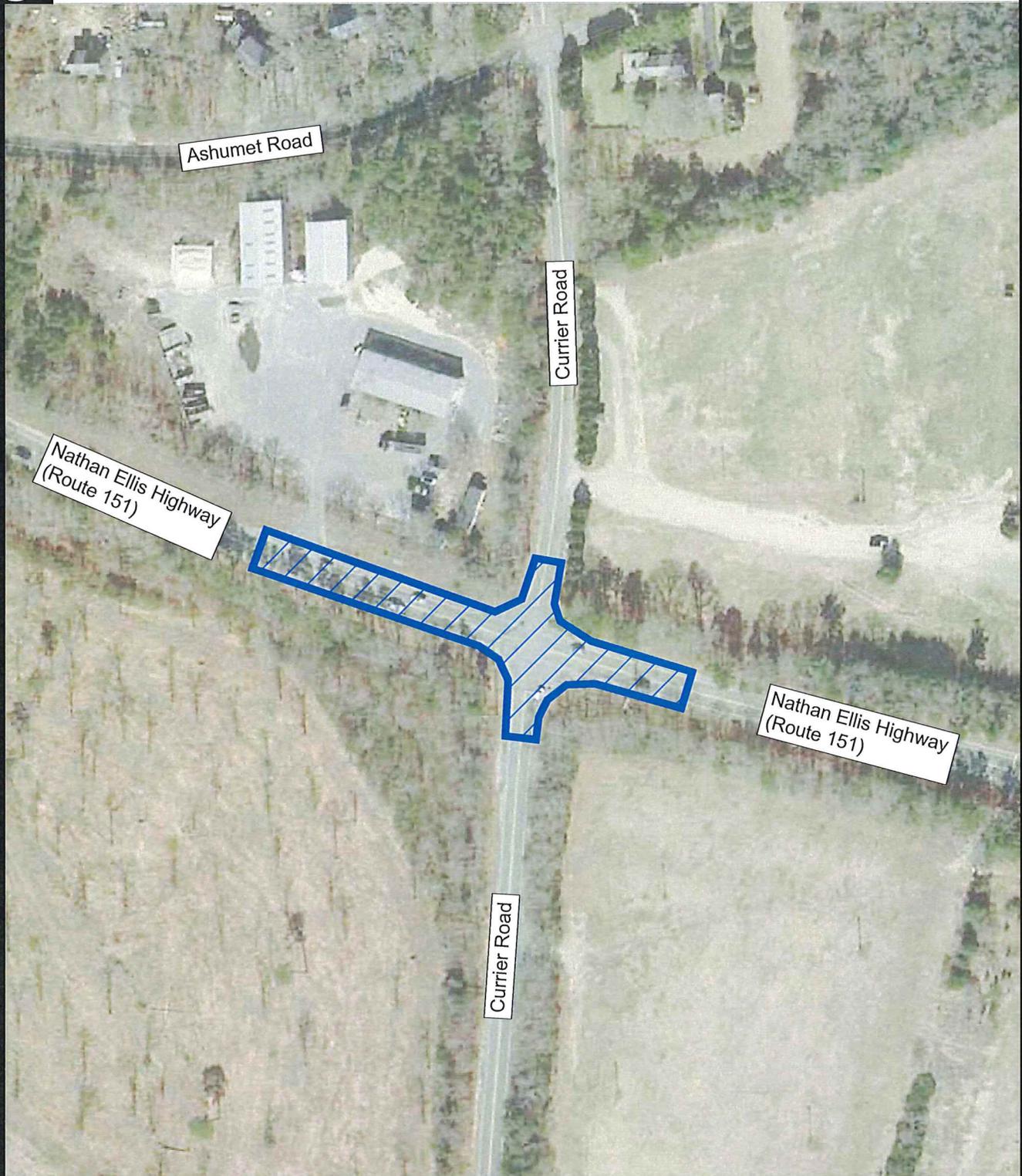


Figure 1

Project Location Map &
Study Area Intersections





1" = 50'

Route 151 Corridor High Crash Locations - Falmouth, Massachusetts Road Safety Audit

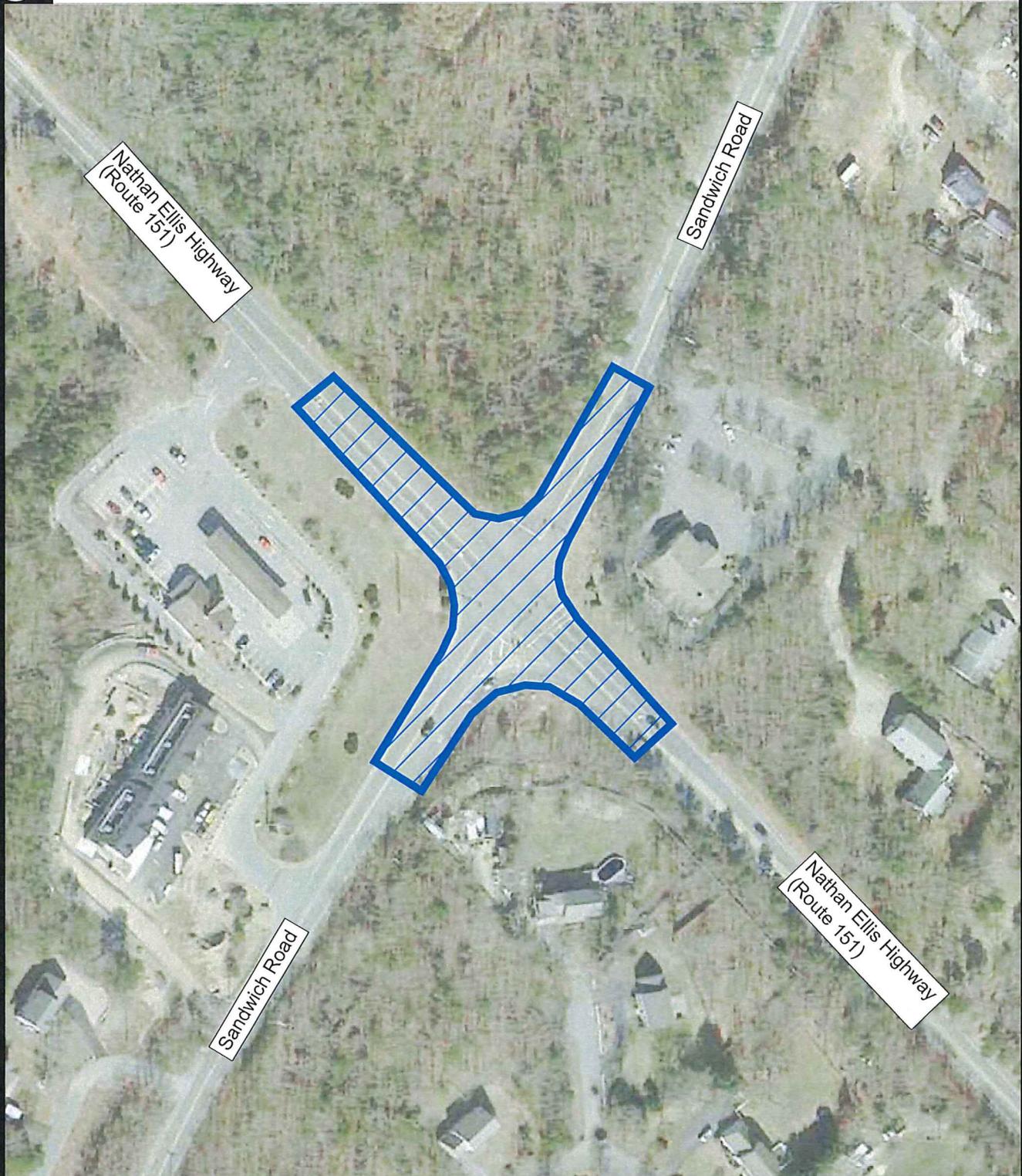


Figure 2

Project Location Map &
Study Area Intersections





1" = 50'

Route 151 Corridor High Crash Locations - Falmouth, Massachusetts Road Safety Audit

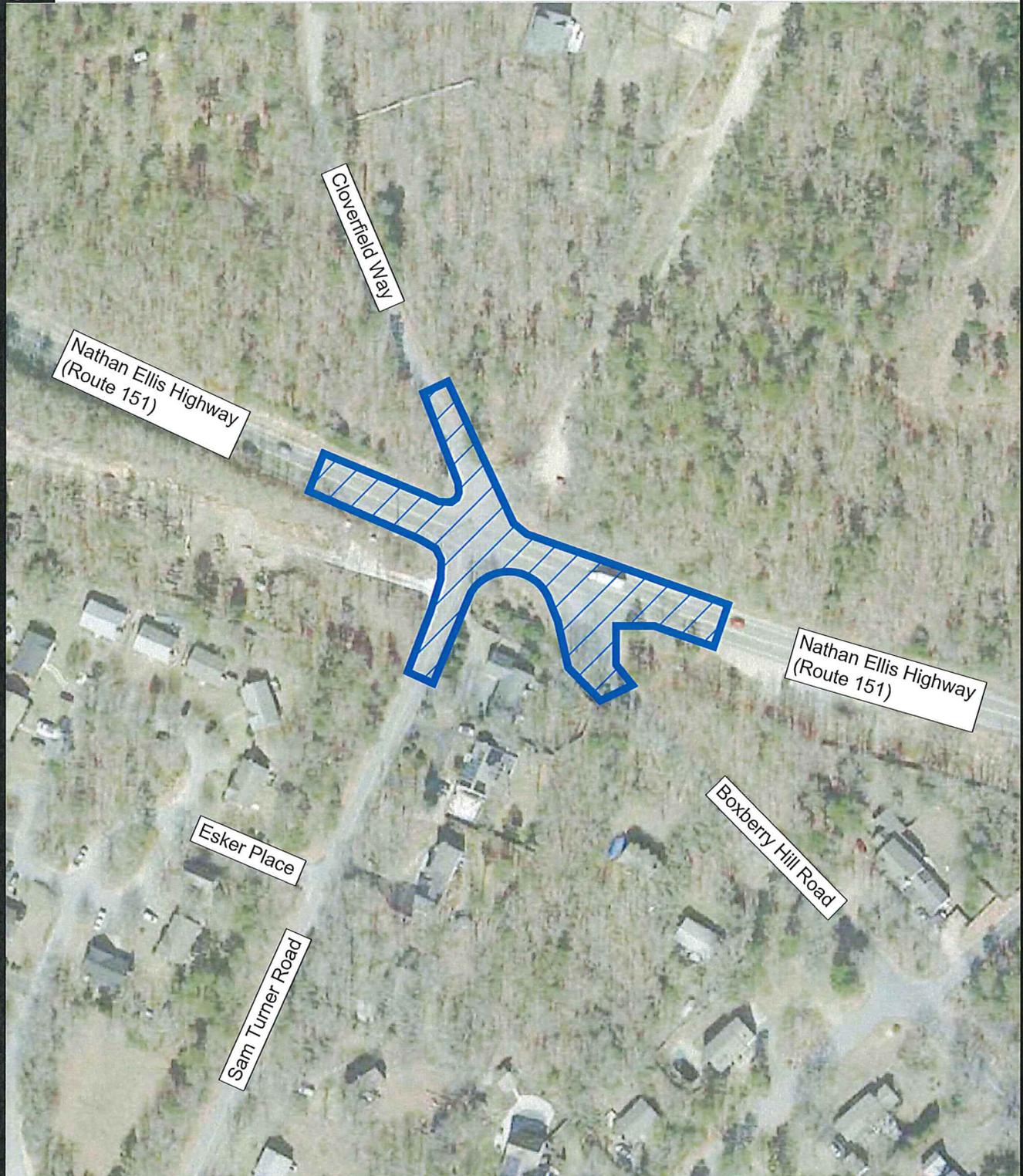


Figure 3

Project Location Map &
Study Area Intersections



General Crash History

Crash data for the Audit intersections were compiled and analyzed for the most-recent consecutive five-year period (2013-2017) on file with the Town of Falmouth Police Department and supplemented with crash reports provided by MassDOT. The motor vehicle crash data was reviewed to determine if any crash trends exist within the audit area.

In addition to examining the number of crashes at the audit intersections, a crash rate was calculated to compare the occurrence of crashes to the volume of traffic passing through the Audit intersections. The crash rate per million entering vehicles (MEV) was calculated using the evening peak-hour volumes from the TMCs, and the K-factor (the relation of peak hour traffic to daily traffic) of 0.088 was obtained from ATR counts conducted along Route 151. The crash rates at the study intersections were compared to the statewide and district-wide averages published by MassDOT in February 2016 to determine the significance of the crash occurrence. The statewide average for signalized intersections is 0.77 and 0.58 for unsignalized intersections, and the District 5 average for signalized intersections is 0.76 and 0.58 for unsignalized intersections.

The crash rates per MEV for the audit intersections are provided in Table 2. A detailed breakdown of the reported collision is provided in Table 3.

Table 2: Crash Rates by Intersection

Intersection	Total Crashes	Crash Rate
Nathan Ellis Highway (Route 151) / Currier Road	37	1.09
Nathan Ellis Highway (Route 151) / Sandwich Road	68	1.68
Nathan Ellis Highway (Route 151) / Boxberry Hill Road	9	0.32
Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way	20	0.67

Table 3: Crash Data Summary

Parameter		Route 151 / Currier Road	Route 151 / Sandwich Road	Route 151 / Sam Turner Road / Cloverfield Way and Route 151 / Boxberry Hill Road
Crash Year:	2013	8	7	3
	2014	9	12	4
	2015	8	16	8
	2016	7	17	6
	2017	5	16	8
TOTAL		37	68	29
Annual Average		<i>7.40</i>	<i>13.60</i>	<i>5.80</i>
Crash Rate (MEV or MVMT) Occurrence Significance?		<i>1.09 Yes</i>	<i>1.68 Yes</i>	<i>0.97 Yes</i>
Type:	Angled	17	21	14
	Rear-End	9	36	8
	Sideswipe	6	4	2
	Head-on	0	4	1
	Single Vehicle	5	3	4
	Ped / Bike	0	0	0
	Not Reported	0	0	0
TOTAL		37	68	29
Surface Conditions:	Dry	26	54	17
	Wet	8	14	11
	Snow / Ice / Slush	3	0	1
	Other / Unknown	0	0	0
TOTAL		37	68	29
Severity:	Property Damage	23	49	16
	Non-Fatal Injury	13	19	13
	Fatal Injury	1	0	0
TOTAL		37	68	29
Day of Week:	Monday-Friday	27	52	23
	Saturday-Sunday	10	16	6
TOTAL		37	68	29
Time of Day:	6:00AM-9:00AM	2	7	5
	9:00AM-12:00PM	4	11	3
	12:00PM-3:00PM	3	8	6
	3:00PM-6:00PM	10	14	3
	6:00PM-9:00PM	14	22	8
	9:00PM-6:00AM	4	6	4
TOTAL		37	68	29

Nathan Ellis Highway (Route 151) / Currier Road

The intersection of Nathan Ellis Highway (Route 151) / Currier Road experienced an average of seven (7.4) crashes per year over the five-year (2013-2017) study period, yielding a crash rate of 1.09 crashes per MEV, approximately two times the statewide and District 5 averages for unsignalized intersections. Approximately 46 percent (17 of 37) of the crashes were angled crashes, 24 percent (9 of 37) were rear-end crashes, 16 percent (6 of 37) were sideswipe crashes, and 14 percent (5 of 37) were single vehicle crashes. There was one fatal injury at this intersection that occurred during the nighttime involving a vehicle travelling northbound on Currier Road and a vehicle travelling eastbound on Route 151. Approximately 19 percent of the crashes occurred in the month of July, and 14 percent of the crashes occurred during both February and December. The reported ages of the drivers skewed younger; under 21 and between 21 and 30. Of the reported crashes, approximately half of the crashes were attributed to either “failure to yield right-of-way” or “inattention/distracted.”

Nathan Ellis Highway (Route 151) / Sandwich Road

The intersection of Nathan Ellis Highway (Route 151) / Sandwich Road experienced an average of fourteen (13.6) crashes per year over the five-year (2013-2017) study period, yielding a crash rate of 1.68 crashes per MEV, more than two times the statewide and District 5 averages for signalized intersections. More than half of the reported crashes (36 of 68) were rear-end crashes and approximately 31 percent (21 of 68) of the crashes were angled crashes. Approximately 28 percent (19 of 68) of the crashes were non-fatal injury crashes. More than half of the crashes occurred during the evening commuting hours (3PM-6PM) and sunset time periods (6PM-9PM). Twenty-one (21) crashes at this intersection identified “inattention/distracted” as a contributing cause of the crash, sixteen (16) crashes were “failure to yield right-of-way” and twelve (12) crashes were “followed too closely.”

Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way and Nathan Ellis Highway (Route 151) / Boxberry Hill Road

The intersection cluster of Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way and Nathan Ellis Highway (Route 151) / Boxberry Hill Road experienced an average of six (5.80) crashes per year over the five-year (2013-2017) study period, yielding a crash rate of 0.97 crashes per MEV which is higher than the statewide and District 5 averages for unsignalized intersections. Approximately 48 percent (14 of 29) of the crashes were angled crashes and approximately 28 percent (8 of 29) were rear-end crashes. Approximately 45 percent (13 of 29) of the crashes were non-fatal injury crashes. Among the reported ages of the drivers, approximately 14 percent were between 31 and 40, and approximately 11 percent were over 70 and between 21 and 30 each. Of the reported crashes, over half of the crashes were attributed to “failure to yield right-of-way,” “following too closely” or “inattention/distracted.”

Audit Observations and Potential Safety Enhancements

The RSA Team’s field observations and discussions show that the Team has several general concerns about existing conditions along the study corridor and intersections which may negatively impact safety. Several of these concerns require further evaluation and design work to develop appropriate safety enhancements. More specific safety challenges located within the audit area are also included. The following summary of safety related concerns has been divided into the three distinct Route 151 intersections previously identified.

Audit Observations and Potential Safety Enhancements: Nathan Ellis Highway (Route 151) / Currier Road

Summary of Safety Concerns

The RSA Team identified the following safety issues at the intersection of Nathan Ellis Highway (Route 151) / Currier Road prior to, during, and after the field visit:

- Driver Frustration Due to Vehicle Delays
- Intersection Geometry
- Insufficient, Deteriorated or Sub-Standard Pavement Markings and Signage
- Visibility
- Sub-Standard Multi-Modal Accommodations
- Vehicle Speeds

The following section provides a detailed summary of the identified safety concerns and potential safety enhancements along the corridor.

Safety Issue #1: Driver Frustration Due to Vehicle Delays

Specific Observations:

Currently, the northbound and southbound approaches of Carrier Road are under stop control, and the eastbound and westbound approaches are free-flowing. An audit team member noted that vehicles on the northbound and southbound approaches to the intersection have significant delays during the peak hours due to the high vehicular volume and travel speed along Nathan Ellis Highway (Route 151). There is an overhead flashing beacon at the intersection; however, audit participants noted that the indicators are not L.E.D., reducing visibility by motorists. This issue is exacerbated as the stop sign is missing on the southbound Carrier Road approach and the stop bars on both the northbound and southbound approaches are either faded or missing.



Image 1: Overhead flasher at Route 151 / Carrier Road intersection

Approximately 46 percent (17 of 37) of the crashes were angled crashes, with 11 of those crashes attributed to “failure to yield”. One of the angled crashes caused a fatal injury at this intersection. When drivers are frustrated by long delays exiting a stop controlled side street, they may attempt to accept shorter gaps in traffic flow to perform their desired turning movement. This can be a factor in the type of angled crashes recorded at this intersection. Additionally, it is difficult to make left turns onto Carrier Road from Route 151 due to the lack of turning lanes and gaps in traffic.

Potential Safety Enhancements:

1. Install new MUTCD-compliant 36” stop signs (R1-1) on both approaches of Carrier Road at the intersection to provide improve visibility of traffic control for motorists.
2. Consider replacing the indicators within the current overhead flashing beacon with L.E.D. indicators for better visibility for motorists.
3. Evaluate the installation of traffic calming measures along Route 151, such as narrowing the travel lanes, to reduce travel speed and increase gaps in the traffic flow to allow for safer movements.
4. Evaluate the installation of a fully-actuated traffic signal at the intersection to reduce vehicle conflicts, reduce side street vehicle delays and reduce angled crashes. Evaluation should be confirmed against MUTCD signal warrants for traffic volume and safety.
5. Should a signal be warranted, establish actuated vehicle detection along all four intersection approaches to minimize delays and queues. Video detection should be considered.

6. Should a signal be warranted, provide L.E.D. signal indications, retro-reflective backplates, and tunnel visors on all signal housings to improve the signal visibility, especially during periods of solar glare.
7. Should a signal be warranted and additional pedestrian accommodations become essential in the future, provide pedestrian traffic signal infrastructure; including pedestrian signal countdown indications and accessible push buttons consistent with current MUTCD and ADA/AAB standards, with signage for each individual crossing to enhance pedestrian safety while crossing the intersection. Consider upgrading the pedestrian crossings across Route 151 with higher visibility treatments.
8. Evaluate the installation of a roundabout to improve the traffic flow, decrease the approach speed, minimize delays on the side streets and reduce turning movement conflicts at the intersection. Note that the construction of a roundabout may require the acquisition of private property on multiple corners of the intersection.

Safety Issue #2: Intersection Geometry

Specific Observations:

The intersection of Nathan Ellis Highway (Route 151) / Currier Road is situated on a large expanse of asphalt pavement, with large corner radii on all four corners of the intersection. During the audit, vehicle operators were observed performing right turn movements at high rates of speed due to the intersection geometry. An audit participant noted that wide corner radii are not necessary since trucks and heavy vehicles do not use Currier Road.

The wide corner radii also create a wide area for vehicles to turn from Currier Road. There were six (6) sideswipe crashes at this intersection that involved a vehicle attempting to pass a vehicle traveling in the same direction due to the wide curb radii and intersection geometry. Audit participants noted that vehicles attempting to turn right onto Nathan Ellis Highway from northbound Currier Road pull far to the right, allowing vehicles desiring to turn left or continue straight to also approach the stop bar, further restricting sight lines for both vehicles. The slight vertical curve of Route 151 to the west of the intersection also restricts the sight lines of the northbound vehicles looking left to exit Currier Road.



Image 2: Wide intersection geometry

Potential Safety Enhancements:

1. Consider reducing the corner radii of all four corners of the intersection to reduce travel speeds for turning vehicles and reduce the potential crossing distance for pedestrians. Evaluation of required large vehicle turning radii must be considered with this recommendation.

2. Evaluate the installation of traffic calming measures along Route 151, such as narrowing the travel lanes, to reduce travel speed.

Safety Issue #3: Insufficient, Deteriorated or Sub-Standard Pavement Markings and Signage

Specific Observations:

Audit participants noted that the existing pavement markings and signage at intersection are faded. The stop bars of northbound and southbound Currier Road are set far back from the intersection, which indicates a stop location to vehicles where foliage and trees restrict sightlines. Furthermore, the Currier Road southbound approach lacks a stop sign.



Image 3: Faded stop bar and missing stop sign on Southbound Currier Road

Potential Safety Enhancements:

1. Reapply all existing pavement markings, including stop bars and centerlines, to improve motorist and pedestrian safety.
2. Consider replacing existing pavement markings with thermoplastic markings which will last longer against snow plow damage and improve visibility during inclement weather.
3. Relocate the stop bars on the northbound and southbound approaches closer to the intersection to indicate where vehicles should stop to provide adequate sight distance.
4. Replace all existing signage at the intersection that are currently faded, damaged or non-compliant with MUTCD-compliant signs to provide clear and concise regulatory and warning messages. Consider adding an additional stop sign to the left side of Currier Road.
5. Install new 36” MUTCD-compliant stop signs (R1-1) on the northbound and southbound approaches. Consider installing double stop signs to maximize visibility for motorists.
6. Consider the replacement of the existing “Stop Ahead” signs (W3-1) on the Currier Road northbound and southbound approaches with retro-reflective signs.

Safety Issue #4: Visibility

Specific Observations:

Sightlines – Audit participants noted that due to the curvature of Route 151 and vegetation at the corners of the intersection of Nathan Ellis Highway (Route 151) / Currier Road, vehicles attempting to turn onto Route 151 from Currier Road encroach



Image 4: Restricted sightlines looking east from Southbound Currier Road

into the intersection in attempt to regain sightlines past the vegetation. The “Ashumet Holly Wildlife Sanctuary” sign located on the northwest corner of the intersection limits the sight distance of the vehicles travelling southbound on Currier Road.

Additionally, although the crash data does not indicate solar glare as a cause of the collisions, audit participants noted that the intersection experiences significant solar glare, primarily eastbound during the morning hours.

On-Street Lighting – There is one street luminaire provided at the intersection. The existing street luminaire is located approximately 120 feet east of the intersection on Nathan Ellis Highway. Audit participants noted that the current street light location is not ideal and the light does not provide adequate visibility of the intersection. There were seven (7) crashes at this intersection which occurred with ambient light conditions indicated as “dark-not lighted,” when lack of lighting could be an issue for motorists.

Potential Safety Enhancements:

1. Maintain corner sight lines by continuing to trim the vegetation within the intersection sight triangles to minimize intersection encroachment.
2. Consider relocating the “Ashumet Holly Wildlife Sanctuary” sign located on the northwest corner of the intersection outside of the intersection sight triangle to improve sightlines.
3. Consider installing additional overhead luminaires at the intersection to increase night time visibility.
4. Evaluate the warrants for the installation of a fully actuated traffic signal to eliminate the need to encroach into the intersection to improve sightlines.
5. If a traffic signal is warranted, provide LED signal indications, retro-reflective backplates, and tunnel visors on all signal housings to improve the signal visibility, especially during periods of solar glare.

Safety Issue 5: Sub-Standard Multi-Modal Accommodations

Specific Observations:

Pedestrian Accommodations and Accessible Crossings – Sidewalks are not provided on any approach to the intersection. Crosswalks are not provided on any of the intersection approaches. ADA/AAB compliant accessible curb ramps are not provided at the intersection. No pedestrian crashes were recorded at this intersection over the five-year study period. One pedestrian was counted at the intersection during a 12-hour period in April 2018.

The Cape Cod Fairgrounds are located at the northeast corner of the intersection. An audit participant noted that the intersection experiences a large pedestrian volume when events are held at the fairgrounds.

There are several crosswalks to the east of the intersection connecting the parking areas to the south of the roadway to the Fairgrounds. Falmouth Police are posted at the intersection and at the crosswalks to aid pedestrians crossing Nathan Ellis Highway during events.

Bicycle Accommodations – Formalized bicycle accommodations are not provided along Nathan Ellis Highway or Currier Road. No bicycle crashes were recorded at this intersection over the five-year study period. One bicycle was counted at the intersection during a 12-hour period in April 2018. Audit participants noted that the speeds along Nathan Ellis Highway exceed what is allowed for shared bicycle accommodations.

Potential Safety Enhancements:

1. Should a signal be warranted and additional pedestrian accommodations become essential in the future, provide pedestrian traffic signal infrastructure; including crosswalks, pedestrian signal countdown indications and accessible push buttons consistent with current MUTCD and ADA/AAB standards, with signage for each individual crossing to enhance pedestrian safety while crossing the intersection. Providing efficient crossing opportunities is anticipated to assist in locating pedestrian crossing maneuvers to a safe, defined location.
2. Construct ADA/AAB compliant accessible curb ramps to align with the crosswalk locations upon enhancements to the intersection.
3. Consider placing portable lights and signs at the intersection during events at the Fairgrounds to aid the Falmouth Police in crossing pedestrians.
4. Evaluate the opportunity to construct dedicated bicycle lanes along Nathan Ellis Highway or a multi-modal pathway adjacent to the roadway. With any future bicycle facilities, and should a signal be warranted, bicycle accommodations to facilitate crossing of Currier Road and Route 151 should be provided, such as bicycle detection or dedicated signals.

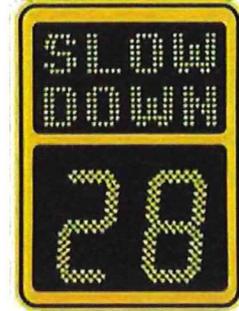
Safety Issue #6: Vehicle Speeds

Specific Observations:

Audit participants expressed concerns over vehicle speeds within the audit area. Excessive speed was noted as the contributing factor in three (3) crashes over the five year study period. Based on the traffic counts conducted in April 2018, the 85th percentile speed along Nathan Ellis Highway (Route 151) was measured at 55 miles per hour (MPH). Majority of the vehicles travelling along Route 151 were measured to be travelling at a speed greater than the posted 50 MPH speed limit. An audit participant noted that due to the vehicles speed along Route 151, the vehicles from side streets such as Currier Road experience delays merging onto Route 151 or performing crossing maneuvers due to minimal gap times.

Potential Safety Enhancements:

1. Consider strategic placement of dynamic speed radar signage along Route 151 approaches to inform drivers of their current speed as compared to the posted speed limit.
2. Consider installing reduce speed flashers along Route 151 approaches with advanced warning signage in a location where light pollution will not adversely affect residents.
3. Consider the installation of vertical granite curbing and sidewalks along Route 151 and Currier Road to provide vertical separation from the roadway and change the characteristic of a high speed location.
4. Consider increasing police enforcement of speeding at and in the vicinity of the intersection.



Audit Observations and Potential Safety Enhancements – Nathan Ellis Highway (Route 151) / Sandwich Road

Summary of Safety Concerns

The RSA Team identified the following safety issues at the intersection of Nathan Ellis Highway (Route 151) / Sandwich Road prior to, during, and after the field visit:

- Intersection Alignment and Geometry
- Deteriorated or Sub-Standard Signage and Pavement Markings
- Intersection Signal Control
- Sub-Standard Multi-Modal Accommodations

The following section provides a detailed summary of the identified safety concerns and potential safety enhancements at the intersection.

Safety Issue #1: Intersection Alignment and Geometry

Specific Observations:

The Nathan Ellis Highway (Route 151) eastbound and westbound through travel lanes are currently offset, with the eastbound approach providing a shared through / left turn lane and a shared through / right turn lane and the westbound approach providing a dedicated left turn lane and a shared through / right turn lane. With this alignment, vehicles do not have a direct path to access the



Image 5: Vehicles traveling through Eastbound Route 151 in two lanes

available receiving lanes. Audit participants noted that the inconsistent approach geometry can be confusing to motorists. Further, vehicles travelling eastbound are able to use both lanes to perform a through movement, however, there is only one wide receiving lane, which can cause conflicts for two eastbound vehicles traveling through at the same time.

There were sixteen (16) angled crashes involving a vehicle making a westbound left turn conflicting with a vehicle travelling through eastbound. It is possible that the current intersection geometry, with offset left-turn lanes, could be one of the contributing factors of these crashes.

Currently, westbound left turns from Route 151 into the gas station located on the southwest corner of the intersection are restricted; however, audit participants noted during the RSA that many motorists continue to perform that prohibited left turn movement. This behavior could be due to the difficulty of performing a left turn movement at the signalized intersection.

The northbound approach of Sandwich Road provides a shared through / left turn lane and a wide (18-foot) channelized right turn lane. Audit participants noted that northbound through vehicles will use the striped gore area for the channelized right turn lane to bypass left turning vehicles, rather than wait within the left turn queue. This movement is unexpected by vehicles making southbound left turn movements, causing conflicts between turning vehicles. A total of three (3) crashes during the five-year period are angled crashes between vehicles northbound on Sandwich Road and vehicles turning left from southbound Sandwich Road.



Image 6: Sight distance along Eastbound Route 151 from Northbound Sandwich Road

Immediately west of the Nathan Ellis Highway (Route 151) / Sandwich Road intersection, Nathan Ellis Highway has a sag and crest vertical curvature. This geometry causes eastbound vehicles to briefly “disappear” from view when viewed from the intersection. The posted speed limit along Nathan Ellis Highway is 35 MPH at this intersection, changing from the corridor posted speed limit of 50 MPH. Audit participants noted that vehicles do not observe the change in speed limit and most continue to travel at a speed greater than 35 MPH. There were ten (10) rear-end crashes involving vehicles travelling eastbound on Route 151, with five (5) attributed to “inattention” and two (2) to “following too closely,” which may be a result of the roadway geometry and prevailing speeds.

The combination of the vertical curvature of the roadway and the vehicle speeds along eastbound Nathan Ellis Highway, vehicles attempting to merge onto Route 151 eastbound from the Sandwich Road northbound approach may believe that the right-of-way is clear, resulting in the northbound vehicles stopping abruptly when the oncoming traffic emerge from the curve. There were nineteen (19) rear-end crashes at the Sandwich Road northbound channelized right turn lane over the five-year study period. The presence of the vertical curve and high vehicle speeds on Route 151 could be part of the contributing factors of these crashes.

Potential Safety Enhancements:

1. Evaluate feasibility and need to reconstruct the vertical profile of Nathan Ellis Highway (Route 151) west of the intersection to remove the sag and crest vertical curves along the roadway. This would increase the visibility of the vehicles approaching the intersection and improve sight distances for the northbound right turn movement. This improvement may require profile alterations to the driveways and side street approaches within the limits of corridor profile reconstruction.
2. Include the Sandwich Road northbound channelized right-turn as part of the traffic signal at the intersection per new MassDOT standards if any changes are made at the intersection to eliminate most of the northbound rear-end crashes.
3. Provide pedestrian signal indicators and pedestrian push buttons for the existing crosswalk to increase pedestrian safety at this crossing area.
4. Consider reconstructing the southeast corner of the intersection to remove the channelized right turn lane to improve sight distances by eliminating the need for motorists to look far over their left shoulder to obtain adequate sight distance to perform this movement as well as protect pedestrians at this intersection and reduce the crossing distance. Evaluation of right turning volume and large vehicle turning radii must be considered with this recommendation.
5. Consider strategic placement of dynamic speed radar signage along Route 151 approaches to inform drivers of their current speed as compared to the posted speed limit.
6. Consider installing reduce speed flashers along Route 151 approaches along with advanced warning signage in a location where light pollution will not adversely affect residents.
7. Consider reconfiguring the eastbound and westbound approaches of Nathan Ellis Highway to provide a consistent geometry. Dedicated left turn lanes, if warranted, on each approach is an expected geometry by motorists, minimizing driver confusion, reduce angled crashes and improving the safety and efficiency of the intersection.
8. Consider widening Nathan Ellis Highway to ensure adequate alignment for vehicles traveling through both eastbound and westbound to improve vehicle safety.
9. Evaluate the intersection operation and determine the appropriate lane designations necessary on all approaches to ensure the intersection operates efficiently for all movements, improving vehicular safety.
10. Consider increasing police enforcement of speeding at and in the vicinity of the intersection.

Safety Issue #2: Deteriorated or Sub-Standard Signage and Pavement Markings

Specific Observations:

Audit participants noted that some of the existing pavement markings at the intersection, especially the northbound approach, are faded and difficult to see. Poor pavement markings can mislead motorists and cause unnecessary confusion. Audit participants noted that the stop bar on northbound Sandwich Road is faded. Three yield signs were provided for the channelized right turn lane; however, no yield pavement markings are provided. Further, the westbound approach stop bar appears to be too close to the crosswalk.



Image 7: Lack of yield markings on northbound right turn

Potential Safety Enhancements:

1. Reapply all existing pavement markings, including lane markings, stop bars and centerlines, to improve motorist and pedestrian safety.
2. Apply yield markings on the northbound channelized right turn movement to reinforce the yield nature of this movement and improve pedestrian safety.
3. Consider installing a MUTCD-compliant “No Turn on Red” sign for the southbound right turning vehicles due to the high vehicle speeds on Route 151.
4. Consider replacing existing pavement markings with thermoplastic markings which will last longer against snow plow damage and improve visibility during inclement weather
5. Ensure the westbound stop bar is located at least four feet away from striped crosswalk to reduce the potential for pedestrian collisions.
6. Replace all existing signage at the intersection that are currently faded, damaged or non-compliant with MUTCD-compliant signs to provide clear and concise regulatory and warning messages.

Safety Issue #3: Intersection Signal Control

Specific Observations:

Audit participants observed during the RSA field visit that the traffic signal at the southwest corner of the intersection shows a red ball indication with the left turn yellow arrow indication and green ball indication, which is not the correct display and is confusing to motorists. This may indicate a wiring conflict. Currently, the intersection utilizes loop detectors. An audit participant noted that there can be a high volume of motorcycles during the summer months in Falmouth. Motorcycles travelling through the intersection



Image 8: Faulty traffic signal indications at the southwest corner of the intersection

cannot be detected by the loop detectors causing motorcyclist and motorist frustration. Motorcycles tend to run red lights when the detectors do not confirm a vehicle is present.

Potential Safety Enhancements:

1. Repair the traffic signal at the southwest corner of the intersection to provide correct signal indications during the left turn protected phase to eliminate driver confusion.
2. Evaluate the need to include a protected/permitted or fully protected eastbound/westbound left turn phasing with any proposed changes in geometry to provide standardized signal timings for motorists.
3. Evaluate installing video detection cameras at the intersection to provide a more efficient detection than loop detection.

Safety Issue #4: Sub-Standard Multi-Modal Accommodations

Specific Observations:

Pedestrian Accommodations – There is a crosswalk striped across the Route 151 westbound approach. The crosswalk lacks pedestrian signals, pedestrian push buttons, pedestrian phasing and ADA/AAB-compliant access ramps. Without pedestrian signal equipment at this signalized intersection, there is no safe way for pedestrians to utilize this crosswalk and cross Nathan Ellis Highway. No pedestrian crashes were recorded at this intersection.

Bicycle Accommodations – Bicycle accommodations are not provided along Route 151 and Sandwich Road. It was observed during the RSA that bicyclists utilize Route 151 and it is signed as a bicycle route along portions of its length. An audit participant noted that the loop detection at the intersection does not detect motorcycles. It can be concluded that the loop detectors would not detect bicycles as well.



Image 9: Crosswalk across the westbound approach with no ADA ramps or pedestrian signal equipment

Potential Safety Enhancements:

1. Provide pedestrian traffic signal infrastructure at the signalized intersection; including pedestrian signal countdown indications and accessible push buttons consistent with current MUTCD and ADA/AAB standards, with signage for each individual crossing to enhance pedestrian safety while crossing the intersection. The channelized right-turn lane will need to be signalized as part of this enhancement.
2. If new pedestrian signal equipment is installed, evaluate the timing of the intersection to determine whether concurrent or exclusive pedestrian phasing is necessary.

3. Evaluate installing video detection cameras at the intersection to provide a more efficient detection than loop detection.

Audit Observations and Potential Safety Enhancements Intersection Cluster: Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way and Nathan Ellis Highway (Route 151) / Boxberry Hill Road

Summary of Safety Concerns

The RSA Team identified the following safety issues at the intersection cluster of Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way and Nathan Ellis Highway (Route 151) / Boxberry Hill Road prior to, during, and after the field visit:

- Traffic Control and Intersection Geometry
- Visibility
- Vehicle Speeds
- Insufficient, Deteriorated or Sub-Standard Pavement Markings and Signage
- Sub-standard Multi-Modal Accommodations

The following section provides a detailed summary of the identified safety concerns and potential safety enhancements at the intersections.

Safety Issue #1: Traffic Control and Intersection Geometry

Specific Observations:

Currently, the northbound and southbound approaches of Sam Turner Road, Cloverfield Way and Boxberry Hill Road are under stop control, and the eastbound and westbound Nathan Ellis Highway (Route 151) approaches are free-flowing. There is an overhead flasher and post-mounted flashers present for the approaches to the intersection cluster. Audit participants noted that the red flasher on the post for Cloverfield Way can be seen from the Route 151 eastbound approach, causing driver confusions. Furthermore, the post-mounted flasher for the Nathan Ellis Highway (Route 151) / Boxberry Hill Road is not ideally located, as the flasher heads for eastbound and westbound approaches are far from the road and are currently covered by the overgrown vegetation



Image 10: Red post mounted flasher seen from two directions

along Route 151. Audit participants noted that the indicators are not L.E.D., reducing visibility by motorists. Two (2) crashes during the five-year study period involved vehicles not stopping at the stop signs.

Immediately to the north of the intersection along Cloverfield Way is an access driveway to a parking area for the Frances Crane Wildlife Management Area on the northeast corner of the intersection. Audit participants noted that this parking area is heavily used seasonally and can contribute to conflicting turning movements at the intersection.

Boxberry Hill Road intersects Nathan Ellis Highway (Route 151) approximately 125 feet to the east of the Sam Turner Road / Cloverfield Way intersection. Audit participants noted that the close proximity of the two unsignalized intersections causes conflicts between turning vehicles. Vehicles will attempt to make turning movements from both Boxberry Hill Road and either Sam Turner Road or Cloverfield Way at the same time to use one of the few gaps in traffic along Route 151, potentially conflicting with each other. Further, motorists using their signal indicators prior to turning into the side streets from Route 151 can cause confusion as to which side street they are turning into. Nine (9) angled crashes during the five-year study period involved left turns exiting Sam Turner Road and colliding with through vehicles along Nathan Ellis Highway. An audit participant noted the significant number of crashes at the intersection that are under the reporting threshold but attended by the Falmouth Police Department.



Image 11: Vehicles at both northbound approaches waiting to make left turns

Potential Safety Enhancements:

1. Consider replacing the existing flashers with L.E.D. flashers with tunnel visors for better visibility.
2. Consider relocating the post-mounted flasher at the south side of the intersection of Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way to eliminate driver confusions.
3. Consider relocating the post-mounted flasher at the north side of the intersection of Nathan Ellis Highway (Route 151) / Boxberry Hill Road for better visibility.
4. Consider working with the Francis Crane Wildlife Management Area to create a larger parking area on the northeast corner of the intersection to prevent on-street parking along Nathan Ellis Highway and minimize uncontrolled pedestrian crossing movements.
5. Evaluate the installation of a fully-actuated traffic signal at the intersection cluster to reduce vehicle conflicts and reduce angled crashes. Evaluation should be confirmed against MUTCD signal warrants for traffic volume and safety.
6. Should a signal be warranted, consider realigning the intersection approaches.

7. Should a signal be warranted, establish actuated vehicle detection along all five intersection approaches to minimize delays and queues. Video detection should be considered.
8. Should a signal be warranted, provide L.E.D. signal indications, retro-reflective backplates, and tunnel visors on all signal housings to improve the signal visibility, especially during periods of solar glare.
9. Should a signal be warranted and additional pedestrian accommodations become essential in the future, provide pedestrian traffic signal infrastructure; including pedestrian signal countdown indications and accessible push buttons consistent with current MUTCD and ADA/AAB standards, with signage for each individual crossing to enhance pedestrian safety while crossing the intersection.
10. Evaluate the installation of a roundabout to improve the traffic flow, decrease the approach speed, minimize delays on the side streets and reduce turning movement conflicts at the intersection cluster. Note that the construction of a roundabout may require the acquisition of private property on multiple corners of the intersection cluster.

Safety Issue #2: Visibility

Specific Observations:

Sightlines – Audit participants noted that due to the vegetation along Route 151, vehicles attempting to turn onto Route 151 from the side streets of Sam Turner Road, Cloverfield Way and Boxberry Hill Road encroach into their respective intersections in attempt to regain sightlines past the vegetation. Additionally, utility poles along Route 151 further restrict the sightlines of the vehicles on Boxberry Hill Road.

On-Street Lighting – There are no street luminaires provided at or in the vicinity of this intersection cluster. An audit participant noted that the intersection cluster is dangerous to drive through at night due to the lack of street lighting. There were four (4) crashes at this intersection which occurred with ambient light conditions indicated as “dark-not lighted,” when lack of lighting could be an issue for motorists.



Image 12: Wide intersection approaches

Potential Safety Enhancements:

1. Continue to maintain the vegetation along Route 151 to enhance the sight lines of the side streets.
2. Consider replacing the indicators within the current overhead flashing beacon with L.E.D. indicators for better visibility.

3. Consider installing overhead lighting luminaires at the intersection cluster to increase night time visibility.
4. Consider installing new retro-reflective signage for improved visibility for existing signage that are faded or no longer compliant with current MUTCD standards.
5. Evaluate the installation of a fully actuated traffic signal to eliminate the need to encroach into the intersection to improve sightlines. Evaluation should be confirmed against MUTCD signal warrants for traffic volume and safety.
6. Evaluate the installation of a roundabout to improve the traffic flow, decrease the approach speed, minimize delays on the side streets and reduce turning movement conflicts at the intersection cluster. Note that the construction of a roundabout may require the acquisition of private property on multiple corners of the intersection cluster.

Safety Issue #3: Vehicle Speeds

Specific Observations:

Audit participants noted that high vehicle speeds along Nathan Ellis Highway at this intersection. Based on the traffic counts conducted in April 2018, the 85th percentile speed along Nathan Ellis Highway (Route 151) was measured at 55 miles per hour (MPH). The majority of the vehicles travelling along Route 151 were measured to be travelling at a speed greater than the posted 50 MPH speed limit. An audit participant noted that due to the vehicles speed along Route 151, the vehicles from Sam Turner Road, Cloverfield Way and Boxberry Hill Road find it difficult to turn onto Route 151 and may accept smaller gaps than necessary to perform their turning movement. This can be a factor in the type of angled crashes recorded at this intersection.

Potential Safety Enhancements:

1. Evaluate the installation of traffic calming measures along Route 151, such as the narrowing the travel lanes, to reduce travel speed and increase gaps in the traffic flow.
2. Consider strategic placement of dynamic speed radar signage along Route 151 approaches to inform drivers of their current speed as compared to the posted speed limit.
3. Consider installing reduce speed flashers along Route 151 approaches along with advanced warning signage in a location where light pollution will not adversely affect residents.
4. Consider increasing police enforcement of speeding at and in the vicinity of the intersection.

Safety Issue #4: Insufficient, Deteriorated or Sub-Standard Pavement Markings and Signage

Specific Observations:

Pavement Markings – Audit participants noted that the existing pavement markings at the intersection cluster are faded especially on Sam Turner Road, Cloverfield Way and Boxberry Hill Road. All three side street approaches lack stop bars.

Signage – Audit participants noted that some of the existing signs at the intersection cluster are faded, damaged, or not MUTCD-compliant, which is detracting from their effectiveness. The stop sign on Sam Turner Road is partially blocked by vegetation. Street name signs within the audit area are not consistent; some of them have small black letters on white background and some are larger white on green signs. An audit participant noted that the location of Cloverfield Way street name sign can be confusing for the motorists, as it is located between Cloverfield Way and Boxberry Hill Road.

The “Stop Ahead” sign on Sam Turner Road is not consistent with current MUTCD standards and differs from the sign on Boxberry Hill Road. The “Intersection Ahead” signs on the Nathan Ellis Highway eastbound and westbound approaches are located approximately 350 feet in advance of the intersection cluster. It was noted by an audit participant that this sign should be placed approximately 1000 feet in advance of the intersection cluster. At the time of the RSA, a “Dangerous Intersection” sign was located on the westbound approach of the intersection cluster. It was noted by a MassDOT representative that this sign is not a standard MUTCD sign.

Potential Safety Enhancements:

1. Reapply all existing pavement markings, including stop bars and centerlines, to improve motorist and pedestrian safety.
2. Reapply stop bars at Sam Turner Road, Cloverfield Way and Boxberry Hill Road approaches to define vehicle stop locations and provide adequate sight distance.
3. Replace the “Stop Ahead” word sign on the northbound Sam Turner Road approach with a “Stop Ahead” symbol sign (W1-3) to provide consistent signage.
4. Trim the vegetation from the existing stop sign locations to maximize visibility.
5. Replace all existing signs within the vicinity of the audit area that are currently faded, damaged or non-compliant with new MUTCD-compliant signs to provide clear and



Image 13: Missing stop bar on Northbound Sam Turner Road approach



Image 14: Dangerous Intersection sign on Westbound Route 151

concise regulatory and warning messages. Consider installation of double stop signs at the stop control approaches. Provide retro-reflective signs where necessary.

6. Provide town-wide consistent retro-reflective street name signs at all side streets in appropriate locations to minimize motorist confusion.
7. Relocate the existing “Intersection Ahead” (W2-1 modified) signs to approximately 1000 feet in advance of the intersection cluster to be in compliance with MUTCD advance warning sign standards. Consider replacing these signs with a retro-reflective signs.
8. Remove the “Dangerous Intersection” sign from the westbound approach to be in compliance with MassDOT standards.

Safety Issue #5: Sub-Standard Multi-Modal Accommodations

Specific Observations:

Pedestrian and Transit Accommodations – Immediately to the north of the intersection along Cloverfield Way is an access driveway to a parking area for the Frances Crane Wildlife Management Area on the northeast corner of the intersection. Audit participants noted that this parking area is heavily used seasonally. Further, audit participants noted that a dirt shoulder area along eastbound Nathan Ellis Highway is used as a parking area by visitors to the Wildlife Management Area seasonally as well, with pedestrians crossing Nathan Ellis Highway at the intersection.



Image 15: Dirt parking area on eastbound Nathan Ellis Highway

Audit participants observed this dirt area being used as a bus pick-up and drop-off location by area residents. No bus stop signage is provided at the intersection. No pedestrian crashes were recorded at this intersection.

Bicycle Accommodations – Formalized bicycle accommodations are not provided along Nathan Ellis Highway or the side streets at this intersection. No bicycle crashes were recorded at this intersection over the five-year study period.

Potential Safety Enhancements:

1. Should a signal or roundabout be warranted, provide pedestrian infrastructure; including crosswalks, pedestrian signal countdown indications and accessible push buttons consistent with current MUTCD and ADA/AAB standards, and/or signage for each individual crossing to enhance pedestrian safety while crossing the intersection. Providing efficient crossing opportunities is anticipated to assist in locating pedestrian crossing maneuvers to a safe, defined location.

2. Construct ADA/AAB compliant accessible curb ramps to align with the crosswalk locations upon enhancements to the intersection.
3. Evaluate the opportunity to construct dedicated bicycle lanes along Nathan Ellis Highway or a multi-modal pathway adjacent to the roadway. With any future bicycle facilities, and should a signal be warranted, bicycle accommodations to facilitate crossing of the sides streets and Route 151 should be provided, such as bicycle detection or dedicated signals.

Summary of Road Safety Audit

Each improvement considered has been categorized as short-term, mid-term, or long-term. Additionally, a cost category has been assigned to each improvement based on the definitions shown in Table 4. Table 5 includes a summary of the potential safety enhancements. Safety benefit estimates are subjective, based on engineering experience and the relative percentage of crashes that may be reduced by the enhancement based on known and documented crash reduction factors (such as FHWA documented crash reduction factors).

Note that some costs are noted with two cost thresholds. This is included as some enhancements may require additional measures to ensure regulatory compliance. In addition, some enhancements are defined to mitigate multiple safety issues. For those enhancements identified for multiple issues, the enhancement has only been listed once in Table 5.

Table 4: Estimated Time Frame and Costs Breakdown

Time Frame		Costs	
Short-Term	<1 Year	Low	<\$10,000
Mid-Term	1-3 Years	Medium	\$10,001-\$50,000
Long-Term	>3 Years	High	>\$50,000

Table 5: Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Nathan Ellis Highway (Route 151) / Currier Road					
Driver Frustration Due to Vehicle Delays	Install new MUTCD-compliant 36" stop signs (R1-1) on both approaches of Currier Road. Consider installing double stop signs.	High	Short-Term	Low	Town
	Consider replacing the indicators within the current overhead flashing beacon with L.E.D. indicators.	High	Short-Term	Low	Town
	Evaluate the installation of traffic calming measures along Route 151 such as narrowing the travel lanes.	Medium	Long-Term	High	Town
	Evaluate the installation of a fully-actuated traffic signal at the intersection. Evaluation should be confirmed against MUTCD signal warrants.	High	Long-Term	High	Town
	Should a signal be warranted, establish actuated vehicle detection along all four intersection approaches. Video detection should be considered.	Medium	Long-Term	High	Town
	Should a signal be warranted, provide L.E.D. signal indications, retro-reflective backplates, and tunnel visors on all signal housings.	Medium	Long-Term	High	Town
	Should a signal be warranted and additional pedestrian accommodations become essential in the future, provide traffic signal infrastructure; including pedestrian signal countdown indications, crosswalks and accessible push buttons consistent with current MUTCD and ADA/AAB standards, with signage for each individual crossing. Consider upgrading the pedestrian crossings across Route 151 with higher visibility treatments.	High	Long-Term	High	Town
	Evaluate the installation of a roundabout. Note that the construction of a roundabout may require the acquisition of private property on multiple corners of the intersection.	High	Long-Term	High	Town
Intersection Geometry	Consider reducing the corner radii of all four corners of the intersection. Evaluation of required large vehicle turning radii must be considered with this recommendation.	Low	Long-Term	Medium	Town

Table 5 Continued: Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Nathan Ellis Highway (Route 151) / Currier Road					
Insufficient, Deteriorated or Sub-Standard Pavement Markings and Signage	Reapply all existing pavement markings, including stop bars and centerlines.	High	Short-Term	Low	Town
	Consider replacing existing pavement markings with thermoplastic markings.	Medium	Long-Term	Medium	Town
	Relocate the stop bars on the northbound and southbound approaches closer to the intersection.	High	Short-Term	Low	Town
	Replace all existing signage at the intersection that are currently faded, damaged or non-compliant with new retro-reflective MUTCD-compliant signs. Consider adding an additional stop sign to the left side of Currier Road.	Medium	Short-Term	Low	Town
	Consider the replacement of the existing “Stop Ahead” signs (W3-1) on the Currier Road northbound and southbound approaches with retro-reflective signs.	High	Short-Term	Low	Town
Visibility	Maintain corner sight lines by continuing to trim the vegetation within the intersection sight triangles.	Medium	Continuous	Low	Town
	Consider relocating the “Ashumet Holly Wildlife Sanctuary” sign located on the northwest corner of the intersection outside of the intersection sight triangle.	Medium	Short-Term	Low	Town
	Consider installing additional overhead luminaires at the intersection.	Medium	Long-Term	Medium	Town
Sub-Standard Multi-Modal Accommodations	Construct ADA/AAB compliant accessible curb ramps in future conditions with the addition of pedestrian infrastructure.	Medium	Long-Term	Medium	Town
	Consider placing portable lights and signs at the intersection during events at the Fairgrounds.	Medium	Short-Term	Medium	Town

Table 5 Continued: Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Nathan Ellis Highway (Route 151) / Currier Road					
Sub-Standard Multi-Modal Accommodations	Evaluate the opportunity to construct dedicated bicycle lanes along Nathan Ellis Highway or multi-modal pathway adjacent to the roadway. With any future bicycle facilities, and should a signal be warranted, bicycle accommodations to facilitate crossing of Currier Road and Route 151 should be provided, such as bicycle detection or dedicated signal.	Medium	Long-Term	High	Town
Vehicle Speeds	Consider strategic placement of dynamic speed radar signage along Route 151 approaches.	Low	Short-Term	Medium	Town
	Consider installing reduce speed flashers along Route 151 approaches with advanced warning signage in a location where light pollution will not adversely affect residents.	Low	Mid-Term	Medium	Town
	Consider the installation of vertical granite curbing and sidewalks along Route 151 and Currier Road.	Low	Long-Term	High	Town
	Consider increasing police enforcement of speed at and in the vicinity of the intersection.	Low	Short-Term	Medium	Town Police

Table 5 Continued: Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Nathan Ellis Highway (Route 151) / Sandwich Road					
Intersection Alignment and Geometry	Evaluate feasibility and need to reconstruct the vertical profile of Route 151 west of the intersection to remove the sag and crest vertical curves along the roadway. This improvement may require profile alterations to the driveways and side street approaches within the limits of corridor profile reconstruction.	High	Long-Term	High	Town
	Include the Sandwich Road northbound channelized right-turn as part of the traffic signal at the intersection per new MassDOT standards if any changes are made at the intersection.	High	Long-Term	High	Town
	Provide pedestrian signal indicators and pedestrian push buttons for the existing crosswalk.	Medium	Mid-Term	Medium	Town
	Consider reconstructing the southeast corner of the intersection to remove the channelized right-turn lane. Evaluation of right turning volume and larger vehicle turning radii must be considered with this recommendation.	High	Long-Term	Medium to High	Town
	Consider strategic placement of dynamic speed radar signage along Route 151 approaches.	Low	Short-Term	Medium	Town
	Consider installing reduce speed flashers along Route 151 approaches along with advanced warning signage in a location where light pollution will not adversely affect residents.	Low	Mid-Term	Medium	Town
	Consider reconfiguring the eastbound and westbound approaches of Nathan Ellis Highway. Dedicated left-turn lanes, if warranted, on each approach is an expected geometry by motorists.	High	Long-Term	High	Town
	Consider widening Nathan Ellis Highway.	Medium	Long-Term	High	Town
	Evaluate the intersection operation and determine the appropriate lane designations necessary on all approaches.	High	Long-Term	High	Town
	Consider increasing police enforcement of speeding at and in the vicinity of the intersection	Low	Short-Term	Medium	Town Police

Table 5 Continued: Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Nathan Ellis Highway (Route 151) / Sandwich Road					
Deteriorated or Sub-Standard Signage and Pavement Markings	Reapply all existing pavement markings, including lane markings, stop bars and centerlines.	High	Short-Term	Low	Town
	Apply yield marking on the northbound channelized right-turn movement.	High	Short-Term	Low	Town
	Consider installing a MUTCD-compliant “No Turn on Red” sign for the southbound right turning vehicles.	Medium	Short-Term	Low	Town
	Consider replacing existing pavement markings with thermoplastic markings.	Medium	Long-Term	Medium	Town
	Ensure the westbound stop bar is located at least four feet away from striped crosswalk.	Medium	Short-Term	Low	Town
	Replace all existing signage at the intersection that are currently faded, damaged or non-compliant with MUTCD-compliant signs.	High	Short-Term	Low	Town
Intersection Signal Control	Repair the traffic signal at the southwest corner of the intersection.	High	Short-Term	Low	Town
	Evaluate the need to include a protected/permitted or fully protected eastbound/westbound left turn phasing with any proposed changes in geometry.	Medium	Long-Term	Medium	Town
	Evaluate installing video detection cameras at the intersection.	Medium	Long-Term	High	Town
Sub-Standard Multi-Modal Accommodations	Provide pedestrian traffic signal infrastructure at the signalized intersection; including pedestrian signal countdown indications and accessible push buttons consistent with current MUTCD and ADA/AAB standards, with signage for each individual crossing. The channelized right-turn lane will need to be signalized as part of this enhancement.	High	Long-Term	High	Town
	If new pedestrian signal equipment is installed, evaluate the timing of the intersection.	Medium	Long-Term	Low	Town

Table 5 Continued: Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way and Nathan Ellis Highway (Route 151) / Boxberry Hill Road					
Traffic Control and Intersection Geometry	Consider replacing the existing flashers with L.E.D. flashers with tunnel visors.	High	Short-Term	Low	Town
	Consider relocating the post-mounted flasher at the south side of the intersection of Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way.	High	Short-Term	Medium	Town
	Consider relocating the post-mounted flasher at the north side of the intersection of Nathan Ellis Highway (Route 151) / Boxberry Hill Road.	High	Short-Term	Medium	Town
	Consider working with the Francis Wildlife Management Area to create a larger parking area on the northeast corner of the intersection.	Low	Long-Term	Low to Medium	Town/Francis Wildlife Management Area
	Evaluate the installation of a fully-actuated traffic signal at the intersection cluster. Evaluation should be confirmed against MUTCD signal warrants for traffic volume and safety.	High	Long-Term	High	Town
	Should a signal be warranted, consider realigning the intersection approaches.	High	Long-Term	Medium	Town
	Should a signal be warranted, establish actuated vehicle detection along all five intersection approaches. Video detection should be considered.	Medium	Long-Term	High	Town
	Should a signal be warranted, provide L.E.D. signal indications, retro-reflective backplates and tunnel visors on all signal housings.	Medium	Long-Term	High	Town
Should a signal be warranted and additional pedestrian accommodations become essential in the future, provide pedestrian traffic signal infrastructure; including pedestrian signal countdown indications and accessible push buttons consistent with current MUTCD and ADA/AAB standards, with signage for each individual crossing.	High	Long-Term	High	Town	

Table 5 Continued: Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way and Nathan Ellis Highway (Route 151) / Boxberry Hill Road					
Traffic Control and Intersection Geometry	Evaluate the installation of a roundabout. Note that the construction of a roundabout may require the acquisition of private property on multiple corners of the intersection cluster.	High	Long-Term	High	Town
Visibility	Continue to maintain the vegetation along Route 151.	Medium	Continuous	Low	Town
	Consider installing overhead lighting luminaires at the intersection cluster.	Medium	Short-Term	Medium	Town
	Consider installing new retro-reflective signage for existing signage that are faded or no longer compliant with current MUTCD standards.	High	Short-Term	Low	Town
Vehicle Speeds	Evaluate the installation of traffic calming measures along Route 151 such as the narrowing the travel lanes.	Medium	Long-Term	High	Town
	Consider strategic placement of dynamic speed radar signage along Route 151 approaches.	Low	Long-Term	High	Town
	Consider installing reduce speed flashers along Route 151 approaches along with advanced warning signage in a location where light pollution will not adversely affect residents.	Low	Mid-Term	Medium	Town
	Consider increasing police enforcement of speeding at and in the vicinity of the intersection.	Low	Short-Term	Medium	Town Police
Insufficient, Deteriorated or Sub-Standard Pavement Markings and Signage	Reapply all existing pavement markings, including stop bars and centerlines.	High	Short-Term	Low	Town
	Reapply stop bars at Sam Turner Road, Cloverfield Way and Boxberry Hill Road approaches.	High	Short-Term	Low	Town
	Replace the “Stop Ahead” word sign on the northbound Sam Turner Road approach with “Stop Ahead” symbol sign (W1-3).	Medium	Short-Term	Low	Town

Table 5 Continued: Potential Safety Enhancement Summary

Safety Issue	Potential Safety Enhancement	Safety Payoff	Time Frame	Cost	Jurisdiction
Nathan Ellis Highway (Route 151) / Sam Turner Road / Cloverfield Way and Nathan Ellis Highway (Route 151) / Boxberry Hill Road					
Insufficient, Deteriorated or Sub-Standard Pavement Markings and Signage	Trim the vegetation from the existing stop sign locations.	Medium	Continuous	Low	Town
	Replace all existing signs within the vicinity of the audit area that are faded or no longer compliant with current MUTCD standards. Consider double stop signs at the stop control approaches.	Medium	Short-Term	Low	Town
	Provide town-wide consistent retro-reflective street name signs at all side streets in appropriate locations.	Medium	Short-Term	Low	Town
	Relocate the existing "Intersection Ahead" (W2-1 modified) signs to approximately 1000 feet in advance of the intersection cluster. Consider replacing these signs with a retro-reflective signs.	Medium	Short-Term	Low	Town
	Remove the "Dangerous Intersection" sign from the westbound approach.	Low	Short-Term	Low	Town
Sub-Standard Multi-Modal Accommodations	Construct ADA/AAB compliant accessible curb ramps in future conditions with the addition of pedestrian infrastructure.	Medium	Long-Term	Medium	Town
	Evaluate the opportunity to construct dedicated bicycle lanes along Nathan Ellis Highway or multi-modal pathway adjacent to the roadway. With any future bicycle facilities, and should a signal be warranted, bicycle accommodations to facilitate crossing of Currier Road and Route 151 should be provided, such as bicycle detection or dedicated signal.	Medium	Long-Term	High	Town

PUBLIC HEARINGS

1. Application for Transfer of a wine and malt package store license
– M.A. Friends, Inc. d/b/a Jack in the Beanstalk, 800 Gifford Street
Extension, continued from 1/11/21

NOTE: The complete application is on file in the Town Manager's office and available for your review if needed.

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that M.A. Friends, Inc. d/b/a Jack in the Beanstalk has applied for a Transfer of a Wine and Malt Package Store License located at 800 Gifford Street Extension, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, January 11, 2021 at 7:30 p.m. on the above application.

*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 January 11, 2021 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 January 11, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on January 7, 2021 at 4:00 PM for detailed participation information.****

LICENSING BOARD

Megan E. English Braga

Douglas C. Brown

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor

Publication date: Friday, December 25, 2020; Falmouth Enterprise

TRANSFER OF LICENSE

To apply for a transfer of alcoholic beverages retail license, you will need the following:

- ✓ **DOR Certificate of Good Standing** This must be obtained by the seller, not the buyer.
- ✓ **DUA Certificate of Compliance** This must be obtained by the seller, not the buyer.
- ✓ **Transfer Application**
 - **Business Structure Documents**
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - ✓ If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- ✓ **CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- ✓ **Manager Application**
- ✓ **Purchase and Sales Agreement**
- ✓ **Proof of Citizenship** for the proposed Manager of Record.
- ✓ **Vote of the Corporate Board**
- ✓ **Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- ✓ **Legal Right to Occupy**, a lease or deed.
- ✓ **Floor Plan**
- ✓ **Advertisement**
- ✓ **Monetary Transmittal Form**
- ✓ **\$200 Fee** paid online through our online payment link: [ABCC PAYMENT WEBSITE](#)
- ✓ **Payment Receipt**
 - **Additional information, if necessary, utilizing the formats provided and or any affidavits.**
- N/A ✓ **Management Agreement**, if applicable, requires the following :
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 13 and attachments

Please Note: You may be requested to submit additional supporting documentation if necessary.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- New License
- Transfer of License
- Change of Manager
- Change of Officers/
Directors/LLC Managers
- Change of Location
- Alteration of Licensed Premises
- Change Corporate Name
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Change of Class (i.e. Annual / Seasonal)
- Change of License Type (i.e. club / restaurant)
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Issuance/Transfer of Stock/New Stockholder
- Other
- Change Corporate Structure (i.e. Corp / LLC)
- Pledge of Collateral (i.e. License/Stock)
- Management/Operating Agreement
- Change of Hours
- Change of DBA

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter

of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

One story building. Four total rooms.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Applicant seeks to transfer existing beer and wine license from Falmouth Fruit and Produce Co. Inc., to M.A. Friends, Inc. The location of the premises is 800 Gifford Street Extension Falmouth, MA 02540. Beer and wine to be sold on premises and consumed off premises.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
Off-Premises-15	\$15 Package Store	Wines and Malt Beverages	Annual

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

One story building. Four total rooms.

Total Sq. Footage	<input type="text" value="4000"/>	Seating Capacity	<input type="text" value="N/A"/>	Occupancy Number	<input type="text" value="N/A"/>
Number of Entrances	<input type="text" value="1"/>	Number of Exits	<input type="text" value="3"/>	Number of Floors	<input type="text" value="1"/>

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
<input type="text" value="Robert F. Burke"/>	<input type="text" value="President"/>	<input type="text" value="100"/>
<input type="text" value="Robert F. Burke"/>	<input type="text" value="Treasurer"/>	<input type="text" value="100"/>
<input type="text" value="Robert F. Burke"/>	<input type="text" value="Clerk"/>	<input type="text" value="100"/>
<input type="text" value="Robert F. Burke"/>	<input type="text" value="Director"/>	<input type="text" value="100"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Sarav Patel"/>	<input type="text" value="55 Surrey Lane East Falmouth MA 02536"/>	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
<input type="text" value="President, Treasurer, Director"/>	<input type="text" value="33.33"/>	<input type="text" value="Director/ LLC Manager"/>	<input type="text" value="US Citizen MA Resident"/>
<input type="text" value="Sarav Patel"/>	<input type="text" value="55 Surrey Lane East Falmouth MA 02536"/>	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
<input type="text" value="Doma Sherpa"/>	<input type="text" value="30 Settlers Path Hyannis MA 02601"/>	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
<input type="text" value="Vive President, Secretary, Director"/>	<input type="text" value="66.67"/>	<input type="text" value="Director/ LLC Manager"/>	<input type="text" value="US Citizen MA Resident"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?
Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. CORPORATE STRUCTURE

Entity Legal Structure Date of Incorporation
State of Incorporation Is the Corporation publicly traded? Yes No

8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales? Yes No

9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Phone:

Title:

Email:

12. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
2003	2020	Manager/Franchisee	7-11	N/A

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date



**The Commonwealth of Massachusetts
William Francis Galvin**

Minimum Fee: \$250.00

Secretary of the Commonwealth, Corporations Division
One Ashburton Place, 17th floor
Boston, MA 02108-1512
Telephone: (617) 727-9640

Articles of Organization

(General Laws, Chapter 156D, Section 2.02; 950 CMR 113.16)

Identification Number: 001469994

ARTICLE I

The exact name of the corporation is:

M.A. FRIENDS, INC.

ARTICLE II

Unless the articles of organization otherwise provide, all corporations formed pursuant to G.L. C156D have the purpose of engaging in any lawful business. Please specify if you want a more limited purpose:

ALL LEGAL PURPOSES, TO INCLUDE THE OWNERSHIP, MANAGEMENT AND OPERATION OF A RETAIL FOOD AND BEVERAGE ESTABLISHMENT.

ARTICLE III

State the total number of shares and par value, if any, of each class of stock that the corporation is authorized to issue. All corporations must authorize stock. If only one class or series is authorized, it is not necessary to specify any particular designation.

Class of Stock	Par Value Per Share Enter 0 if no Par	Total Authorized by Articles of Organization or Amendments		Total Issued and Outstanding Num of Shares
		Num of Shares	Total Par Value	
CNP	\$0.00000	10,000	\$0.00	1,200

G.L. C156D eliminates the concept of par value, however a corporation may specify par value in Article III. See G.L. C156D Section 6.21 and the comments thereto.

ARTICLE IV

If more than one class of stock is authorized, state a distinguishing designation for each class. Prior to the issuance of any shares of a class, if shares of another class are outstanding, the Business Entity must provide a description of the preferences, voting powers, qualifications, and special or relative rights or privileges of that class and of each other class of which shares are outstanding and of each series then established within any class.

ARTICLE V

The restrictions, if any, imposed by the Articles of Organization upon the transfer of shares of stock of any class are:

ARTICLE VI

Other lawful provisions, and if there are no provisions, this article may be left blank.

Note: The preceding six (6) articles are considered to be permanent and may be changed only by filing appropriate articles of amendment.

ARTICLE VII

The effective date of organization and time the articles were received for filing if the articles are not rejected within the time prescribed by law. If a *later* effective date is desired, specify such date, which may not be later than the *90th day* after the articles are received for filing.

Later Effective Date: Time:

ARTICLE VIII

The information contained in Article VIII is not a permanent part of the Articles of Organization.

a,b. The street address of the initial registered office of the corporation in the commonwealth and the name of the initial registered agent at the registered office:

Name: SARAV PATEL
No. and Street: 55 SURREY LANE
City or Town: E. FALMOUTH State: MA Zip: 02536 Country: USA

c. The names and street addresses of the individuals who will serve as the initial directors, president, treasurer and secretary of the corporation (an address need not be specified if the business address of the officer or director is the same as the principal office location):

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
PRESIDENT	SARAV PATEL	55 SURREY LANE E. FALMOUTH, MA 02536 USA
TREASURER	SARAV PATEL	55 SURREY LANE E. FALMOUTH, MA 02536 USA
SECRETARY	DOMA SHERPA	30 SETTLERS LANE HYANNIS, MA 02601 USA
VICE PRESIDENT	DOMA SHERPA	30 SETTLERS LANE HYANNIS, MA 02601 USA
DIRECTOR	DOMA SHERPA	30 SETTLERS LANE HYANNIS, MA 02601 USA
DIRECTOR	SARAV PATEL	55 SURREY LANE E. FALMOUTH, MA 02536 USA

d. The fiscal year end (i.e., tax year) of the corporation:
December

e. A brief description of the type of business in which the corporation intends to engage:

RETAIL FOOD AND BEVERAGE AND FARM STAND.

f. The street address (post office boxes are not acceptable) of the principal office of the corporation:

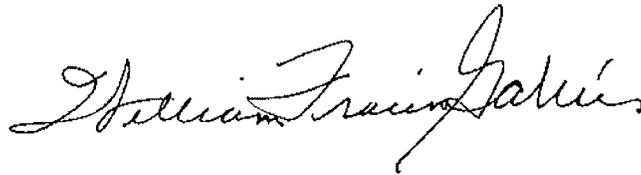
No. and Street: 800 GIFFORD STREET EXTENSION

THE COMMONWEALTH OF MASSACHUSETTS

I hereby certify that, upon examination of this document, duly submitted to me, it appears that the provisions of the General Laws relative to corporations have been complied with, and I hereby approve said articles; and the filing fee having been paid, said articles are

deemed to have been filed with me on:

November 13, 2020 09:29 AM

A handwritten signature in cursive script that reads "William Francis Galvin". The signature is written in black ink and is centered on the page.

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of
City/Town
and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

“VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted.”

“VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts.”

A true copy attest,



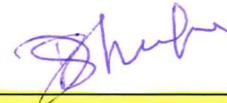
Corporate Officer /LLC Manager Signature

SARAV PATEL.

(Print Name)

For Corporations ONLY

A true copy attest,



Corporation Clerk's Signature

Doma Sherpa

(Print Name)

Phyllis Downey

From: Douglas DeCosta
Sent: Sunday, December 6, 2020 11:45 AM
To: Phyllis Downey
Cc: Diane Davidson
Subject: Background Check- Sarav Patel of Jack in the Beanstalk

Background Check- Sarav Patel of Jack in the Beanstalk Manager of Alcoholic Beverage License

A background check has been completed by the Falmouth Police Department of the municipal license applicant listed below:

Sarav Patel of Jack in the Beanstalk

The department did not locate anything that may disqualify this municipal license applicant.

Sincerely,

Lieutenant Douglas DeCosta
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office: 774-255-4527
Fax: 508-457-2566
douglas.decosta@falmouthpolicema.gov
www.falmouthpolice.us



-----NOTICE-----

This email is intended for professional and business purposes of the Falmouth Police Department. The contents of this email message and any attachments are confidential and are intended solely for the addressee. If you are not the intended recipient please notify the sender and delete this message.

Phyllis Downey

From: Sean Doyle
Sent: Friday, December 4, 2020 8:24 PM
To: Phyllis Downey
Cc: Brian Reid
Subject: RE: FYI - Transfer of License application - Jack in the Beanstalk Package Store

Good evening,

Based on the information provided, this department does not have any issues with the application or any of the applicants.

Have a good weekend!

Sean Doyle,
Lieutenant

From: Phyllis Downey
Sent: Wednesday, December 02, 2020 2:28 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Irie Mullin <irie.mullin@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>
Cc: Kim Fish <kimberly.fish@falmouthma.gov>
Subject: FYI - Transfer of License application - Jack in the Beanstalk Package Store

Good afternoon,

A CORI has been applied for and a town background check will be required before a license is issued. The Select Board will review this application at their meeting of December 21, 2020.

Thank you,
Phyllis

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

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

From: Phyllis Downey
Sent: Wednesday, December 2, 2020 2:26 PM
To: Scott McGann (scott.mcgann@falmouthma.gov) <scott.mcgann@falmouthma.gov>; Rod Palmer (rod.palmer@falmouthma.gov) <rod.palmer@falmouthma.gov>; Patty O'Connell (patricia.oconnell@falmouthma.gov) <patricia.oconnell@falmouthma.gov>; Peter McConarty (peter.mcconarty@falmouthma.gov) <peter.mcconarty@falmouthma.gov>; Timothy Smith (timothy.smith@falmouthfirema.gov) <timothy.smith@falmouthfirema.gov>; Conference Table - Michael Clark (norwood77@hotmail.com) <norwood77@hotmail.com>; Thomas Bott (thomas.bott@falmouthma.gov) <thomas.bott@falmouthma.gov>
Cc: Linda Kinchla (linda.kinchla@falmouthma.gov) <linda.kinchla@falmouthma.gov>; Morgan Cardoso (morgan.cardoso@falmouthma.gov) <morgan.cardoso@falmouthma.gov>; Pamela Marshall (pamela.marshall@falmouthma.gov) <pamela.marshall@falmouthma.gov>

<pamela.marshall@falmouthma.gov>

Subject: Transfer of License application - Jack in the Beanstalk Package Store

Good afternoon,

Attached please find a Transfer of License application by M. A. Friends, Inc. regarding Jack in the Beanstalk Wines & Malt Beverages Package Store at 800 Gifford Street Extension. Please provide your recommendations for the Select Board by December 15th. The application will be reviewed at the Select Board meeting December 21, 2020.

Thank you,

Phyllis

Phyllis Downey

Administrative Assistant

Town Administration

508-495-7325

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

PUBLIC HEARING

2. Wetland/Dock Hearing – Nikolas J., John S., Anthony P. Pentikis/James N. Pentikis Trust UDT for permission to license, retain and maintain existing two (2) 4' x 20' floats in and over the waters of Eel Pond Canal, located at 5 Canapitsit Drive, East Falmouth

NOTE: The attorney has submitted a request for continuance to the next Select Board meeting on Monday, February 22.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

PUBLIC HEARING NOTICE

The Falmouth Select Board will hold a public hearing under Section 240-77 (Wetland Regulations) of the Zoning Bylaws of the Town of Falmouth on Monday, February 1, 2021 at 7:30 p.m. in the Selectmen's Meeting Room, Town Hall* on the revised application of Nikolas J., John S., Anthony P. Pentikis/James N. Pentikis Trust, UDT for permission to license and maintain a 4' x 35' float in and over the waters of Eel Pond Canal. There is an existing Waterways License for the bulkhead, No. 4471, at 5 Canapitsit Drive, East Falmouth, MA. Area affected is Eel Pond. Interested parties may review the file on this hearing in the Town Manager/Select Board Office at 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 February 1, 2021 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 February 1, 2021 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on January 28, 2021 at 4:00 PM for detailed participation information.*****

Per Order of the Falmouth Select Board

Publication dates: Friday, January 15, 2021 and Friday, January 22, 2021; Falmouth Enterprise.

PUBLIC HEARING

3. Application for Transfer of an All Alcoholic Beverages Common Victualler License – Shipwrecked, LLC, located at 263 Grand Avenue, Falmouth. Application has also been made for the Transfer of the Entertainment and Sunday Entertainment licenses.

NOTE: The complete application is on file in the Town Manager's office and available for your review if needed.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Shipwrecked, LLC has applied for a Transfer of an All Alcohol Innholder License located at 263 Grand Avenue, Falmouth, MA. Applications have also been made for Transfer of Entertainment and Sunday Entertainment Licenses.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, February 1, 2021 at 7:30 p.m. on the above application.

*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 February 1, 2021 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 February 1, 2021 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on January 28, 2021 at 4:00 PM for detailed participation information.**

LICENSING BOARD

Megan E. English Braga

Douglas C. Brown

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor

*Publication date: Friday, January 22, 2021; Falmouth Enterprise
Account #2056*

TRANSFER OF LICENSE

To apply for a transfer of alcoholic beverages retail license, you will need the following:

- ✓ • **DOR Certificate of Good Standing** This must be obtained by the seller, not the buyer.
- ✓ • **DUA Certificate of Compliance** This must be obtained by the seller, not the buyer.
- ✓ • **Transfer Application**
- ✓ • **Business Structure Documents**
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- ✓ • **CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
- ✓ • **Manager Application**
- ✓ • **Purchase and Sales Agreement**
- ✓ • **Proof of Citizenship** for the proposed Manager of Record.
- ✓ • **Vote of the Corporate Board**
- ✓ • **Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- ✓ • **Legal Right to Occupy**, a lease or deed. *see P&S Agreement*
- ✓ • **Floor Plan**
- ✓ • **Advertisement**
- ✓ • **Monetary Transmittal Form**
- ✓ • **\$200 Fee** paid online through our online payment link: **ABCC PAYMENT WEBSITE**
- ✓ • **Payment Receipt**
 - **Additional information, if necessary, utilizing the formats provided and or any affidavits.**
 - **Management Agreement**, if applicable, requires the following :
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 13 and attachments

Please Note: You may be requested to submit additional supporting documentation if necessary.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City/Town

00130-RS-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- New License
- Transfer of License
- Change of Manager
- Change of Officers/
Directors/LLC Managers
- Change of Location
- Alteration of Licensed Premises
- Change Corporate Name
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Change of Class (i.e. Annual / Seasonal)
- Change of License Type (i.e. club / restaurant)
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Issuance/Transfer of Stock/New Stockholder
- Other
- Change Corporate Structure (i.e. Corp / LLC)
- Pledge of Collateral (i.e. License/Stock)
- Management/Operating Agreement
- Change of Hours
- Change of DBA

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter

of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

This license will cover the dining room, bar, kitchen and two entrances, one facing Grand Avenue and one facing Central Park Avenue.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Transfer of License | <input type="checkbox"/> Pledge of Inventory | <input type="checkbox"/> Change of Class |
| <input type="checkbox"/> Alteration of Premises | <input checked="" type="checkbox"/> Pledge of License | <input type="checkbox"/> Change of Category |
| <input type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock | <input type="checkbox"/> Change of License Type
(\$12 ONLY, e.g. "club" to "restaurant") |
| <input type="checkbox"/> Management/Operating Agreement | <input type="checkbox"/> Other <input type="text"/> | |

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

The Transferee is purchasing the assets of the Transferor, including the existing liquor license. Transferee intends to operate the existing restaurant in substantially the same way as it has been operated by the Transferor. As part of the acquisition, Transferee is obtaining a commercial loan and Transferee will be pledging its interest in the License as a portion of the loan collateral.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="§12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

This license will cover the dining room, bar, kitchen and two entrances, one facing Grand Avenue and one facing Central Park Avenue

Total Sq. Footage	<input type="text" value="1500"/>	Seating Capacity	<input type="text" value="100"/>	Occupancy Number	<input type="text" value="100"/>
Number of Entrances	<input type="text" value="2"/>	Number of Exits	<input type="text" value="2"/>	Number of Floors	<input type="text" value="1"/>

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name	<input type="text" value="Falmouth Property Restaurant LLC"/>	By what means is the license being transferred?	<input type="text" value="Purchase"/>
------------------------	---	---	---------------------------------------

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
<input type="text" value="Gary Simon"/>	<input type="text" value="Manager"/>	<input type="text" value="50"/>
<input type="text" value="Douglas Freeman"/>	<input type="text" value="Partner"/>	<input type="text" value="50"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises (Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
<input type="text" value="Alex Khan"/>	<input type="text" value="18 St. Mary's Street, Newton, MA"/>	<input type="text" value="REDACTED"/>	<input type="text" value="REDACTED"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input type="text" value="Manager"/>	<input type="text" value="100%"/>	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?
Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. CORPORATE STRUCTURE

Entity Legal Structure

LLC

Date of Incorporation

Nov 15, 2019

State of Incorporation

Massachusetts

Is the Corporation publicly traded? Yes No

8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Own

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Kevin P. Klauer II, Esq.

Phone:

508-540-6555

Title:

Attorney, Ament Klauer LLP

Email:

kevin@amentklauer.com

12. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen? Yes No *Manager must be a U.S. Citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
8/28/13	Present	Bartender/Manager	British Beer Co.	Jacquelyn Lucier
12/5/16	Present	GM/Operations Manager	British Beer Co./Seaside Inn	Gary Simon/Jacquelyn Lucier
2012	2015	Operations Manager	Koko Fit Club Cape Cod	Tim Calise

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

CORPORATE VOTE

The Board of Directors or LLC Managers of Entity Name
duly voted to apply to the Licensing Authority of City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on Date of Meeting

For the following transactions (Check all that apply):

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/Directors/LLC Managers
- Change of Ownership Interest (LLC Members/LLP Partners, Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

"VOTED: To authorize Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

(Print Name)

For Corporations ONLY

A true copy attest,

Corporation Clerk's Signature

(Print Name)



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

ENTERTAINMENT LICENSE ANNUAL APPLICATION

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

Required fields are outlined in red.

NAME OF ESTABLISHMENT: Shipwrecked LLC d/b/a Shipwrecked

ADDRESS: 263 Grand Avenue

TOWN: Falmouth STATE: MA ZIP CODE: 02540

NAME OF OWNER/MANAGER: Alex Khan/Robert Michael Loewen

TELEPHONE #: 508-540-9600 EMAIL: info@shipwreckedfalmouth.com

HOME ADDRESS: 18 St. Mary's Street, Newton, MA 02462

LOCATION OF ENTERTAINMENT ON PREMISES: Dining Room Floor & outdoor courtyard

DAYS OF ENTERTAINMENT: Monday through Sunday

HOURS OF ENTERTAINMENT: Indoor: 11:00 AM-1:00 AM, Outdoor 3:00 PM-8:00 PM

Provide description of entertainment:

Indoor entertainment will be recorded music with live bands/musicians. Outdoor entertainment will be limited to non-amplified acoustic music

SUNDAY ENTERTAINMENT: NO YES (complete State application+ fee)

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT APPROVED:

1. DANCING By Patrons No Dancing

2. MUSIC Recorded Live

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

TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation.

DATE 1/15/2021

X

Total Town Fees: \$110
 Filing Fee: \$10
 License Fee: \$100

Signature - OWNER or MANAGER

Fees payable to Town of Falmouth

THE COMMONWEALTH OF MASSACHUSETTS

Town OF Falmouth

LICENSE

For

PUBLIC ENTERTAINMENT ON SUNDAY

State Fee, \$ 100.00
Municipal Fee, \$ 150.00

The Name of the Establishment is Shipwrecked LLC-DBA Shipwrecked in or on the property at No. 263 Grand Avenue, Falmouth, MA 02540 (address)

The Licensee or Authorized representative, Robert Michael Loewen in accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
		Special Hours: Sunday 12:00 AM - Midnight - ONLY - \$100 check to Commonwealth of Massachusetts
		- \$150 check to Town of Falmouth
		**Fee of \$150 payable to Town of Falmouth by Money Order or Certified Bank Check only.

Hon. Megan English Braga Mayor/ Chairman of Board of Selectmen, Falmouth (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment, and shall conform to any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

Phyllis Downey

From: Noreen Stockman
Sent: Tuesday, December 29, 2020 4:20 PM
To: Phyllis Downey
Subject: RE: Transfer of Liquor License - Shipwrecked, LLC

The ZBA does have a Decision on file, however, no issue for this transfer.

Thank you,
Noreen

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Tuesday, December 29, 2020 3:40 PM
To: Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Katie Pierias <katie.pierias@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>
Subject: Transfer of Liquor License - Shipwrecked, LLC

Good afternoon,

Attached is an application by Shipwrecked, LLC for a Transfer of License from Falmouth Property Restaurant, LLC d/b/a British Beer Company located at 269 Grand Avenue, Falmouth. The applicant and proposed manager have submitted CORI checks with the ABCC application. If you would like to review the Purchase and Sales Agreement for the business and property it is available in the Select Board Office.

Please provide the Select Board with comments or recommendations on this application by Wednesday February 3rd. The application is scheduled for review on February 8, 2021.

Thank you,
Phyllis

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

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

Phyllis Downey

From: Thomas Bott
Sent: Wednesday, December 30, 2020 11:51 AM
To: Phyllis Downey; Scott McGann; Rod Palmer; Timothy Smith; Peter McConarty; Patty O'Connell
Cc: Pamela Marshall; Linda Kinchla; Morgan Cardoso; Katie Pierias; Melinda Rebelo
Subject: RE: Update- Transfer of Liquor License - Shipwrecked, LLC

Dear Phyllis:

With no physical changes proposed to the facility the Planning Office doesn't have any current concerns with the transfer of liquor licenses.

TBott

From: Phyllis Downey
Sent: Wednesday, December 30, 2020 11:39 AM
To: Thomas Bott <thomas.bott@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Katie Pierias <katie.pierias@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>
Subject: Update- Transfer of Liquor License - Shipwrecked, LLC

Good morning,

The Select Board's next meeting on their updated calendar is **February 1, 2021**, not February 8th.

May we please request your recommendations to the Board regarding this Transfer of License by Wednesday, January 27th in preparation for the February 1st meeting? I apologize for the oversight.

Thank you,
Phyllis

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

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

From: Phyllis Downey
Sent: Tuesday, December 29, 2020 3:40 PM
To: Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Katie Pierias <katie.pierias@falmouthma.gov>

<katie.pierias@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>

Subject: Transfer of Liquor License - Shipwrecked, LLC

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Please provide the Select Board with comments or recommendations on this application by Wednesday February 3rd. The application is scheduled for review on February 8, 2021.

Thank you,
Phyllis

Phyllis Downey
Administrative Assistant
Town Administration
508-495-7325

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

PUBLIC HEARING

4. Application for Transfer of an All Alcoholic Beverages Innholder License – Seacrest Concessionaire, LLC, located at 350 Quaker Road, North Falmouth. Application has also been made for the Transfer of the Entertainment License, Sunday Entertainment License and Automatic Amusement License.

NOTE: The complete application is on file in the Town Manager's office and available for your review if needed.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320
Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Seacrest Concessionaire, LLC has applied for a Transfer of an All Alcohol Common Victualler License located at 350 Quaker Road, North Falmouth, MA. Applications have also been made for Transfer of Entertainment and Sunday Entertainment Licenses.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, February 1, 2021 at 7:30 p.m. on the above application.

*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 February 1, 2021 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 February 1, 2021 to be posted on the Town of Falmouth website, www.falmouthmass.us, Agenda Center, on January 28, 2021 at 4:00 PM for detailed participation information.****

LICENSING BOARD

Megan E. English Braga
Douglas C. Brown
Douglas H. Jones
Samuel H. Patterson
Nancy R. Taylor

*Publication date: Friday, January 22, 2021; Falmouth Enterprise
Account #2056*

TRANSFER OF LICENSE

To apply for a transfer of alcoholic beverages retail license, you will need the following:

- ✓ DOR Certificate of Good Standing This must be obtained by the seller, not the buyer.
- ✓ DUA Certificate of Compliance This must be obtained by the seller, not the buyer.
- ✓ Transfer Application
 - Business Structure Documents
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - ✓ If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
 - ✓ CORI Authorization Form Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. *This form must be notarized with a stamp or raised seal.*
 - ✓ Manager Application
 - Purchase and Sales Agreement *Concession Agreement - Bill of Sale*
 - ✓ Proof of Citizenship for the proposed Manager of Record.
 - ✓ Vote of the Corporate Board
 - Supporting Financial Records for all financing and or loans, including pledge documents, if applicable.
 - Legal Right to Occupy, a lease or deed. *concessionaire agreement*
 - ✓ Floor Plan
 - ✓ Advertisement
 - ✓ Monetary Transmittal Form
 - ✓ \$200 Fee paid online through our online payment link: **ABCC PAYMENT WEBSITE**
 - ✓ Payment Receipt
 - Additional information, if necessary, utilizing the formats provided and or any affidavits.
 - Management Agreement, if applicable, requires the following :
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 13 and attachments

Please Note: You may be requested to submit additional supporting documentation if necessary.



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

03082-HT-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

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

Granted under Special Legislation? Yes No
 If Yes, Chapter
 of the Acts of (year)

DESCRIPTION OF PREMISES Complete description of the licensed premises

As currently licensed, "dining rooms, cocktail lounges, snack bar, night club". See attached floor plan.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

For Transfers ONLY:
 Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Transfer of Liquor License to Seacrest Concessionaire, LLC who will be the licensee for the F&B service for the new hotel Manager and Owner. No change in location.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
On-Premises-12	\$12 Hotel	All Alcoholic Beverages	Annual

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

As currently licensed "Dining rooms, cocktail lounges, snack bar, night club". See attached floor plan.

Total Sq. Footage	<input type="text" value="189000"/>	Seating Capacity	<input type="text" value="TBD"/>	Occupancy Number	<input type="text" value="TBD"/>
Number of Entrances	<input type="text" value="5"/>	Number of Exits	<input type="text" value="7"/>	Number of Floors	<input type="text" value="3 in main/2 in other"/>

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name	DNC Parks and Resorts at Falmouth, LLC	By what means is the license being transferred?	Purchase
------------------------	--	---	----------

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Delaware North Companies Parks & Resorts, Inc.	Parent Company of Licensee	100%
Delaware North Companies, Inc.	Grandparent of Licensee	0%
Jeremy Jacobs, Sr. and Family	Owner of Grandparent of Licensee	0%

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements-for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Naveen Kakarla	426 Clairmont Road, Villanova, PA 19085	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager and Member	50%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Michael Murray	200 W. Washington Sq. # 2605, Phil. PA 19106	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
LLC Manager and Member	50%	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

APPLICATION FOR A TRANSFER OF LICENSE

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No			

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No			

Name of Principal	Residential Address	SSN	DOB
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:100%;" type="text"/>	<input style="width:100%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No			

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

Yes No

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Naveen Kakarla	S12	Hersha Brookline and Cambridge	Brookline and Cambridge
Michael Murray	S12	Hersha Brookline and Cambridge	Brookline and Cambridge

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. CORPORATE STRUCTURE

Entity Legal Structure

Date of Incorporation

State of Incorporation

Is the Corporation publicly traded? Yes No

8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales? Yes No

9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Phone:

Title:

Email:



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

APPLICATION FOR AUTOMATIC AMUSEMENT DEVICE

Includes: Video, Pinball, Electronic Games & Juke Boxes per M.G.L. Chapter 140, Section 177A
 Does NOT apply to Bowling Alleys or Pool Tables

Required fields are outlined in red.

BUSINESS NAME: Seacrest Concessionaire LLC d/b/a Sea Crest Beach Hotel

BUSINESS ADDRESS: 350 Quaker Road

Town: North Falmouth STATE: MA ZIP CODE: 02556

MAILING ADDRESS: 510 Walnut Street, 9th Floor
 (if different)
 Philadelphia PA 19106

MANAGER/OWNER: Clark F. Guinn TITLE: General Manager

TELEPHONE #: [REDACTED] EMAIL (required) ops-licensing@hhmlp.com

DAYS OF OPERATION: Monday-Sunday HOURS OF OPERATION: 7am-9pm

NUMBER OF AMUSEMENT DEVICES: (Video, Pinball, Electronic Games) 21

ANNUAL: or SEASONAL:

NUMBER OF JUKEBOXES: 0

OWNER OF MACHINES: Ryan Entertainment

LOCATION OF MACHINES ON PREMISES: Inside pool house

TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation:

Michael Murray (Jan 12 2021 11:31 PST)
 Signature - OWNER or MANAGER OF RECORD

Jan 12, 2021
 Date

Town of Falmouth Fees payable by Money Order or Certified Bank Check only.

Filing Fee: \$10
 Annual License: \$100 per Amusement Device
 Seasonal License: \$75 per Amusement Device
 Annual or Seasonal License: \$ 75 per Juke Box



TOWN OF FALMOUTH
 Office of the Town Manager & Selectmen
 59 Town Hall Square
 Falmouth, Massachusetts 02540
 Telephone (508) 495-7320

APPLICATION FOR INNHOLDER LICENSE

In accordance with Massachusetts General Laws, Chapter 140.

NAME OF ESTABLISHMENT: Seacrest Concessionaire, LLC dba Sea Crest Beach Hotel

BUSINESS ADDRESS: 350 Quaker Road, North Falmouth, MA 02556

MANAGER: Clark F. Guinn, General Manager

HOME ADDRESS: 25 Redtail Lane, Carver, MA 02330

MAILING ADDRESS: (If different) 510 Walnut Street, 9th Floor, Philadelphia, PA 19106

FID#: 85-4181186

EMAIL: (required) ops-licensing@hhmlp.com

TELEPHONE: BUSINESS: (800) 225-3110 HOME: [REDACTED]

SEATING CAPACITY: See attached COI **OCCUPANCY#** Liquor Licenses ONLY See attached COI

Jan 12, 2021

DATE


 Michael Murray (Jan 12 2021 11:24 PST)

OWNER / MANAGER / AUTHORIZED AGENT

FILING FEE: \$10.00
LICENSE FEE: \$60.00



Town of Falmouth

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

ENTERTAINMENT LICENSE ANNUAL APPLICATION

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

Required fields are outlined in red.

NAME OF ESTABLISHMENT: Seacrest Concessionaire, LLC dba Sea Crest Beach Hotel

ADDRESS: 350 Quaker Road

TOWN: North Falmouth STATE: MA ZIP CODE: 02556

NAME OF OWNER/MANAGER: Clark F. Guinn, General Manager

TELEPHONE #: [REDACTED] EMAIL: ops-licensing@hhmlp.com

HOME ADDRESS: 25 Redtail Lane, Carver, MA 02330

LOCATION OF ENTERTAINMENT ON PREMISES: Meeting/ballrooms and exterior pool deck

DAYS OF ENTERTAINMENT: Monday - Sunday

HOURS OF ENTERTAINMENT: Indoor 6pm-12am/Outdoor 12pm-8pm

Provide description of entertainment:
Live music on outdoor pool deck and live/recorded music for events held on the premises (i.e. weddings)

SUNDAY ENTERTAINMENT: NO YES (complete State application+ fee)

PLEASE CHECK THE APPROPRIATE BOX FOR ALL TYPES OF ENTERTAINMENT APPROVED:

- 1. DANCING By Patrons No Dancing
- 2. MUSIC Recorded Live

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

TAX ATTESTATION: I certify under the penalties of perjury that the information provided in this application is true and that, to my best knowledge, I have filed all state tax returns and paid all state and local taxes as required under law. I understand that Licensees who fail to correct their non-filing or delinquency will be subject to license suspension or revocation:

DATE Jan 12, 2021

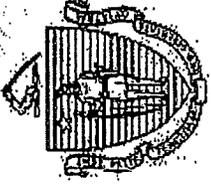
X
Michael Murphy (Jan 12 2021 11:24 PM)

Signature - OWNER or MANAGER

Total Town Fees: \$110
Filing Fee: \$10
License Fee: \$100

Fees payable to Town of Falmouth

OFFICE OF THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF Falmouth



State Fee, \$ 100.00
Municipal Fee, \$ 150.00

LICENSE

For

PUBLIC ENTERTAINMENT ON SUNDAY

The Name of the Establishment is: Seacrest Concessionaire, LLC dba Sea Crest Beach Hotel in or on the property at No. 350 Quaker Road, North Falmouth, MA 02556 (address)

The Licensee or Authorized representative, Seacrest Concessionaire LLC in accordance with chapter 136 of the General Laws, as amended, hereby request a license for the following program or entertainment:

DATE	TIME	Proposed dancing or game, sport, fair, exposition, play, entertainment or public diversion
		Special Hours: Sunday 12:00 AM - Midnight - ONLY - \$100 check to Commonwealth of Massachusetts
		- \$150 check to Town of Falmouth
		**Fee of \$150 payable to Town of Falmouth by Money Order or Certified Bank Check only.

Hon. Megan English Braga Mayor/ Chairman of Board of Selectmen, Falmouth (City or Town)

Fees per occurrence (Individual Sunday(s)): Regular Hours (Sunday 1:00pm - Midnight): \$2.00 Special Hours (Sunday 12:00 am- Midnight): \$5.00. Annual Fee (For Operating on every Sunday in calendar year): Regular Hours (Sunday 1:00pm - Midnight): \$50.00 Special Hours (Sunday 12:00 am- Midnight): \$100.00

This license is granted and accepted, and the entertainment approved, upon the understanding that such entertainment that the licensee shall comply with the laws of the Commonwealth applicable to licensed entertainments, and also to the following terms and conditions: The licensee shall at all times allow any person designated in writing by the Mayor, Board of Selectmen, or Commissioner of Public Safety, to enter and inspect his place of amusement and view the exhibitions and performances therein; shall permit regular police officers, detailed by the Commissioner of Public Safety or Chief of the local Police Department to enter and be about this place of amusement during performances therein; may employ to preserve order in his place of amusement only regular or special police officers designated therefore by the Chief of Police, and shall pay to said Chief of Police for the services of the regular police officers such amount as shall be fixed by him; shall permit at all times to enter and be about his place of amusement such members of the Fire Department as shall be detailed by the Chief of the Fire Department to guard against fire; shall keep in good condition, go as to be easily accessible, such standpipes, hose, axes, chemical extinguishers and other apparatus as the fire department may require; shall allow such members of the fire department in case of any fire in such place, to exercise exclusive control and direction of his employees and of the means and apparatus provided for extinguishing fire therein; shall permit no obstruction of any nature in any aisle, passageway or stairway of the licensed premises, nor allow any person therein to remain in any aisle passageway or stairway during an entertainment of any nature in any other rules and regulations at any time made by the Mayor or Board of Selectmen. This license shall be kept on the premise where the entertainment is to be held, and shall be surrendered to any regular police officer or authorized representative of the Department of Public Safety. This license is issued under the provisions of Chapter 136 of the General Laws, as amended, and is subject to revocation at any time by the Mayor, Board of Selectmen, or Commissioner of Public Safety.

Jan 12, 2021

Michael Hurley (Lic 1240011251 P57)

Do not write in this box

This application and program must be signed by the licensee or authorized representative of entertainment to be held. No Change to be made in the program without permission of the authorities granting and approving the license.

THIS LICENSE MUST BE POSTED IN A CONSPICUOUS PLACE ON THE PREMISES

Phyllis Downey

From: Brian Reid
Sent: Tuesday, January 19, 2021 11:46 AM
To: Phyllis Downey
Cc: Sean Doyle
Subject: RE: Seacrest Concessionaire, LLC TRANSFER OF LICENSE application 01.13.21

We have no objection to this transfer application

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

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

From: Phyllis Downey
Sent: Wednesday, January 13, 2021 3:43 PM
To: Peter McConarty <peter.mcconarty@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Cc: Linda Kinchla <linda.kinchla@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Seacrest Concessionaire, LLC TRANSFER OF LICENSE application 01.13.21

Good afternoon,

Attached please find an application for Transfer of All Alcohol Innholder License for 350 Quaker Road, North Falmouth. CORI applications have been made to the ABCC for the Manager of Record and the proposed Officers. The licensee will contact the Health and Building Departments for an updated Food Service Establishment Permit and Certificate of Inspection. Please provide your comments/recommendations to the Select Board on this application and email it to me by Tuesday January 26th.

The hearing before the Select Board is scheduled for February 1, 2021.

Thank you,
Phyllis
Phyllis Downey
Town Administration
508-495-7325

Phyllis Downey

From: Timothy Smith
Sent: Wednesday, January 13, 2021 5:12 PM
To: Phyllis Downey; Diane Davidson
Cc: Craig O'Malley; Boyd Demello
Subject: Reviews

Phyllis and Diane,
Fire Prevention has reviewed the application request of transfers or license for : ***Sweet Rice, Seacrest Concessionaire and Falmouth Wine and Spirits*** and report no issues noted with these requests.
Thank you.

Timothy Smith, Fire Chief
Falmouth Fire Rescue Department
Work: (508) 495-2511
Cell: (508) 274-6410

Phyllis Downey

From: Noreen Stockman
Sent: Wednesday, January 13, 2021 3:52 PM
To: Phyllis Downey
Subject: RE: Seacrest Concessionaire, LLC TRANSFER OF LICENSE application 01.13.21

Thank you, no issue for ZBA for transfer.

Sincerely,

Noreen

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

From: Phyllis Downey <phyllis.downey@falmouthma.gov>
Sent: Wednesday, January 13, 2021 3:43 PM
To: Peter McConarty <peter.mcconarty@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>
Cc: Linda Kinchla <linda.kinchla@falmouthma.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Diane Davidson <diane.davidson@falmouthma.gov>
Subject: Seacrest Concessionaire, LLC TRANSFER OF LICENSE application 01.13.21

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The hearing before the Select Board is scheduled for February 1, 2021.

Thank you,
Phyllis
Phyllis Downey
Town Administration
508-495-7325

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

PUBLIC HEARING

5. Application for a New All Alcoholic Beverages Common Victualler License – Train Bridge View, LLC d/b/a Sweet Rice, located at 167 Teaticket Highway, Teaticket

NOTE: The complete application is on file in the Town Manager's office and available for your review if needed.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Train Bridge View, LLC d/b/a Sweet Rice has applied for a NEW All Alcoholic Beverages Common Victualler License to be exercised at 167 Teaticket Highway, Teaticket, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall* on Monday, February 1, 2021 at 7:30 p.m. on the above application.

**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 February 1, 2021 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 February 1, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on January 28, 2021 at 4:00 PM for detailed remote participation information.*****

LICENSING BOARD

Megan English Braga

Douglas C. Brown

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor

Publication date: Friday, January 15, 2021; Falmouth Enterprise



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540

Telephone (508) 495-7320

Fax (508) 457-2573

Train Bridge View, LLC
d/b/a Sweet Rice

Received: 1/8/21 @ 1:10pm

New Retail Liquor License Checklist

ABCC: This application will be returned if the following documentation is not submitted:

- Application
- Business Structure Documents
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. This form must be notarized with a stamp or raised seal.
- Manager Application**
- Purchase and Sales Agreement**
- Proof of Citizenship** for the proposed Manager of Record.
- Vote of the Corporate Board**
- Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- Legal Right to Occupy**, a lease ~~or deed~~.
- Floor Plan**
- Advertisement**
- Abutter's Notification**
- Monetary Transmittal Form**
- \$200 Fee** paid online
- Payment Receipt**
- Management Agreement**, if applicable, requires the following :
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 13 and attachments

Town of Falmouth:

- A \$50.00 Filing Fee made payable to the Town of Falmouth
- A \$50.00 Advertising Fee made payable to the Town of Falmouth
- Fingerprint-Based Background Check (for Manager of Record)
 - \$30.00 payable to the Town of Falmouth
 - \$30.00 cashier's check or money order payable to Commonwealth of Massachusetts (Police Dept.)
- A hearing before the Board of Selectmen

Other:

- Common Victualler, ~~Entertainment, Sunday Entertainment, and/or Automatic Amusement~~
- License Fees Associated with Above License Types
- TIPS Certifications
- Certificate of Liquor Liability Insurance
- Health Permit
- Building/Fire Certificate of Inspection
- Sign Permit (Inspectional Services)
- Certificate of Doing Business (Town Clerk)
- Special Permit issued by Zoning Board of Appeals

Please refer to ABCC website: www.mass.gov/abcc

1. Click on Alcoholic Beverages Retail Licenses
2. Click on Apply for an Alcoholic Beverages Retail License (New or Transfer)
3. Download the New or Transfer Retail License Application and CORI Authorization Form
4. Complete the Application and CORI Form
5. Save to your computer
6. Print out and sign
7. Attach all required documents and submit entire package to the Board of Selectmen's Office



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter

of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

Sweet Rice is a single story restaurant located at 167 Teaticket Highway. The restaurant has 6 rooms totaling 2,400 square feet, including a dining room, kitchen, office, men's restroom, women's restroom, and an employee restroom. There is no outdoor seating and the premises is not being altered. Please see attached floor plan.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

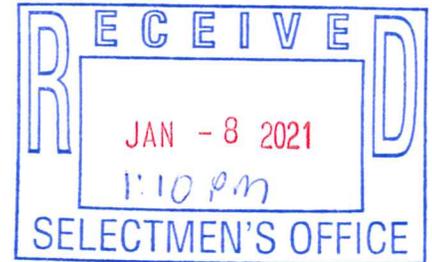
Additional remarks or conditions (E.g. Days and hours)

For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director

Bean & O'Connor, LLC
Attorneys at Law
118 Waterhouse Road, Suite E
Bourne, Massachusetts 02532



Kathryn L. Bean
J. Ford O'Connor
Randy Collette



(508) 759-4070
FAX (508) 759-4169
EMAIL: closings@capelawyer.net

January 7, 2021

Falmouth Town Hall
Attn: Phyllis A. Downey
59 Town Hall Square
Falmouth, MA 02540

Dear Phyllis,

We are submitting an "Application for a New License" application on behalf of Train Bridge View, LLC dba "Sweet Rice" located at 167 Teaticket Highway, Teaticket, MA 02536. Please see attached documents in support of this request, including:

1. Application for a new license
2. CORI Authorization
3. Business Structure Documents
4. Proof of Citizenship
5. Payment Receipt (ABCC)
6. Supporting Financial Records
7. Legal Right to Occupy (i.e. Lease for building)
8. Floor Plan

Thank you for considering this application. Please contact me if you have any questions or would like to discuss.

Respectfully,

A handwritten signature in blue ink, appearing to be "Randy Collette".

Randy Collette, Esq.
Bean & O'Connor, LLC
118 Waterhouse Road
Bourne, MA 02532

randall@capelawyer.net

O: 508-759-4070

C: 774-521-6813



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc

APPLICATION FOR A NEW LICENSE

Municipality

1. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="On-Premises-12"/>	<input type="text" value="\$12 Restaurant"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

Is this license application pursuant to special legislation? Yes No Chapter Acts of

2. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Entity Name FEIN

DBA Manager of Record

Street Address

Phone Email

Alternative Phone Website

3. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. You must also submit a floor plan.

Total Square Footage: Number of Entrances: Seating Capacity:

Number of Floors: Number of Exits: Occupancy Number:

4. APPLICATION CONTACT

The application contact is the person whom the licensing authorities should contact regarding this application.

Name: Phone:

Title: Email:

APPLICATION FOR A NEW LICENSE

5. CORPORATE STRUCTURE

Entity Legal Structure	LLC	Date of Incorporation	12/05/19
State of Incorporation	Massachusetts	Is the Corporation publicly traded? <input type="radio"/> Yes <input checked="" type="radio"/> No	

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers - At least 50% must be US citizens;
Off Premises(Liquor Store) Directors or LLC Managers - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB
Chanrith Uy	16 colony ave bourne MA 02532	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
OWNER	50	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
Saron Thuck	13 TANGLEWOOD DR EAST FALMOUTH MA 02536	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
CO.OWNER	50	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions. Yes No

APPLICATION FOR A NEW LICENSE

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

LEASING

Landlord Name DAVID SHAHZADE

Landlord Phone 508 540 0045

Landlord Email SHAHZADE@CAPECOD.NET

Landlord Address 157 TEATICKET HWY TEATICKET MA 02536

Lease Beginning Date 07/01/2020

Rent per Month ██████████

Lease Ending Date 06/30/2025

Rent per Year ██████████

Will the Landlord receive revenue based on percentage of alcohol sales?

Yes No

10. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be a U.S. Citizen
 If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.
 Have you ever been convicted of a state, federal, or military crime? Yes No
 If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
02/14/2015	N/A	OWNER	CHANRITH UY /STIR CRAZY	CHANRITH UY
02/03/2012	02/14/2015	CHEF	SHOGUN	SOLI SHIHARAJ
01/01/2011	10/30/2011	CHEF	PANDA EXPRESS	KEVIN LEE

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

11. MANAGEMENT AGREEMENT

Are you requesting approval to utilize a management company through a management agreement?

Yes No

If yes, please fill out section 11.

Please provide a narrative overview of the Management Agreement. Attach additional pages, if necessary.

IMPORTANT NOTE: A management agreement is where a licensee authorizes a third party to control the daily operations of the license premises, while retaining ultimate control over the license, through a written contract. *This does not pertain to a liquor license manager that is employed directly by the entity.*

11A. MANAGEMENT ENTITY

List all proposed individuals or entities that will have a direct or indirect, beneficial or financial interest in the management Entity (E.g. Stockholders, Officers, Directors, LLC Managers, LLP Partners, Trustees etc.).

Entity Name	Address	Phone
TRAIN BRIDGE VIEW, LLC	167 TEATICKET HWY TEATICKET MA 02536	508 444 6616

Name of Principal	Residential Address	SSN	DOB
CHANRITH UY	16 COLONY AVE BOURNE MA 02532	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
OWNER	50	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB
SARON THUCK	13 TANGLEWOOD DR EAST FALMOUTH MA 02536	[REDACTED]	[REDACTED]

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
CO OWNER	50	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Name of Principal	Residential Address	SSN	DOB

Title and or Position	Percentage of Ownership	Director	US Citizen	MA Resident
		<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

CRIMINAL HISTORY

Has any individual identified above ever been convicted of a State, Federal or Military Crime?

Yes No

If yes, attach an affidavit providing the details of any and all convictions.

11B. EXISTING MANAGEMENT AGREEMENTS AND INTEREST IN AN ALCOHOLIC BEVERAGES

LICENSE

Does any individual or entity identified in question 11A, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages; and or have an active management agreement with any other licensees?

Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality

CORPORATE VOTE

The Board of Directors or LLC Managers of
Entity Name
duly voted to apply to the Licensing Authority of
City/Town and the
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> New License | <input type="checkbox"/> Change of Location | <input type="checkbox"/> Change of Class (i.e. Annual / Seasonal) | <input type="checkbox"/> Change Corporate Structure (i.e. Corp / LLC) |
| <input type="checkbox"/> Transfer of License | <input type="checkbox"/> Alteration of Licensed Premises | <input type="checkbox"/> Change of License Type (i.e. club / restaurant) | <input type="checkbox"/> Pledge of Collateral (i.e. License/Stock) |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Change Corporate Name | <input type="checkbox"/> Change of Category (i.e. All Alcohol/Wine, Malt) | <input type="checkbox"/> Management/Operating Agreement |
| <input type="checkbox"/> Change of Officers/
Directors/LLC Managers | <input type="checkbox"/> Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees) | <input type="checkbox"/> Issuance/Transfer of Stock/New Stockholder | <input type="checkbox"/> Change of Hours |
| | <input type="checkbox"/> Other <input type="text"/> | | <input type="checkbox"/> Change of DBA |

“VOTED: To authorize

Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted.”

“VOTED: To appoint

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts.”

A true copy attest,

For Corporations ONLY

A true copy attest,

CHANRITH UY

Corporate Officer /LLC Manager Signature

Corporation Clerk's Signature

CHANRITH UY

(Print Name)

(Print Name)

Diane Davidson

From: Douglas DeCosta
Sent: Wednesday, January 20, 2021 9:59 AM
To: Phyllis Downey
Cc: Diane Davidson
Subject: Background Check- Chanrith Uy of Sweet Rice

Background Check- Chanrith Uy of Sweet Rice Manager of Alcoholic Beverage License

A background check has been completed by the Falmouth Police Department of the municipal license applicant listed below:

Chanrith Uy of Sweet Rice

The department did not locate information that may disqualify this municipal license applicant.

Sincerely,

Lieutenant Douglas DeCosta
Falmouth Police Department
750 Main Street
Falmouth, MA 02540
Office: 774-255-4527
Fax: 508-457-2566
douglas.decosta@falmouthpolicema.gov
www.falmouthpolice.us



-----NOTICE-----

This email is intended for professional and business purposes of the Falmouth Police Department. The contents of this email message and any attachments are confidential and are intended solely for the addressee. If you are not the intended recipient please notify the sender and delete this message.

Diane Davidson

From: Brian Reid
Sent: Friday, January 15, 2021 3:19 PM
To: Diane Davidson
Cc: Sean Doyle
Subject: RE: Application for All Alcoholic Common Victualler License - Sweet Rice

We have no objection to this application.

Captain Brian L. Reid

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

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From: Diane Davidson
Sent: Wednesday, January 13, 2021 12:14 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Application for All Alcoholic Common Victualler License - Sweet Rice

To all,

Attached please find an application for a new all alcoholic beverages common victualler license for Sweet Rice, located at 167 Teaticket Highway. Presently, Sweet Rice has a Common Victualler's license, and we have a copy of the Health Food Permit and the Building Certificate of Inspection. Please provide your comments/recommendations to the Select Board on this application and email to me by Tuesday, January 26.

If you would like to review any of the documents submitted with the application as indicated on the attached checklist, please let me know.

The hearing is scheduled on the Select Board meeting of Monday, February 1, 2021.

Thank you,

Diane

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

Diane Davidson

From: Timothy Smith
Sent: Wednesday, January 13, 2021 5:12 PM
To: Phyllis Downey; Diane Davidson
Cc: Craig O'Malley; Boyd Demello
Subject: Reviews

Phyllis and Diane,
Fire Prevention has reviewed the application request of transfers or license for : ***Sweet Rice, Seacrest Concessionaire and Falmouth Wine and Spirits*** and report no issues noted with these requests.
Thank you.

Timothy Smith, Fire Chief
Falmouth Fire Rescue Department
Work: (508) 495-2511
Cell: (508) 274-6410

Diane Davidson

From: Scott McGann
Sent: Wednesday, January 13, 2021 2:55 PM
To: Diane Davidson
Subject: RE: Application for All Alcoholic Common Victualler License - Sweet Rice

No issues from Health alcohol is only another food product

From: Thomas Bott <thomas.bott@falmouthma.gov>
Sent: Wednesday, January 13, 2021 1:42 PM
To: Diane Davidson <diane.davidson@falmouthma.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: RE: Application for All Alcoholic Common Victualler License - Sweet Rice

Dear Diane:

With no physical changes proposed to the facility the Planning Office doesn't have any current concerns with the requested new liquor licenses.

TBott

From: Diane Davidson
Sent: Wednesday, January 13, 2021 12:14 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>
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Thank you,

Diane

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

Diane Davidson

From: Thomas Bott
Sent: Wednesday, January 13, 2021 1:42 PM
To: Diane Davidson; Brian Reid; Sean Doyle; Timothy Smith; Rod Palmer; Scott McGann; Noreen Stockman
Cc: Melinda Rebelo; Pamela Marshall; Linda Kinchla; Phyllis Downey
Subject: RE: Application for All Alcoholic Common Victualler License - Sweet Rice

Dear Diane:

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TBott

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Thank you,

Diane

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

Diane Davidson

From: Noreen Stockman
Sent: Wednesday, January 13, 2021 1:23 PM
To: Diane Davidson
Subject: RE: Application for All Alcoholic Common Victualler License - Sweet Rice

Thank you, no issue for Zoning Board of Appeals.

Sincerely,

Noreen

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

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Wednesday, January 13, 2021 12:14 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Application for All Alcoholic Common Victualler License - Sweet Rice

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If you would like to review any of the documents submitted with the application as indicated on the attached checklist, please let me know.

The hearing is scheduled on the Select Board meeting of Monday, February 1, 2021.

Thank you,

Diane

*Diane S. Davidson
Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth*

PUBLIC HEARING

6. Application for Transfer of an All Alcoholic Beverages Package Store License – Gajanan Package Corporation d/b/a Falmouth Wine & Spirits, located at 322 Palmer Avenue

NOTE: The complete application is on file in the Town Manager's office and available for your review if needed.



TOWN OF FALMOUTH

Office of the Town Manager & Selectmen

59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320
Fax (508) 457-2573

LIQUOR LICENSE HEARING

Notice is hereby given under Chapter 138 of the General Laws, as amended, that Gajanan Package Corporation d/b/a Falmouth Wine & Spirits has applied for a Transfer of an All Alcoholic Beverages Package Store License located at 322 Palmer Avenue, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall* on Monday, February 1, 2021 at 7:30 p.m. on the above application.

**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 February 1, 2021 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 February 1, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on January 28, 2021 at 4:00 PM for detailed remote participation information.*****

LICENSING BOARD
Megan English Braga
Douglas C. Brown
Douglas H. Jones
Samuel H. Patterson
Nancy R. Taylor

Publication date: Friday, January 15, 2021; Falmouth Enterprise



TOWN OF FALMOUTH
Office of the Town Manager & Board of Selectmen
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320

*Gajanan Package Corporation
d/b/a Falmouth Wine &
Spirits*

Received: 1/8/21 @ 4:35pm

Transfer of Existing Retail Liquor License Checklist

ABCC: This application will be returned if the following documentation is not submitted:

- DOR Certificate of Good Standing** This must be obtained by the seller, not the buyer.
- DUA Certificate of Compliance** This must be obtained by the seller, not the buyer.
- Transfer Application**
- Business Structure Documents**
 - If Sole Proprietor, **Business Certificate**
 - If partnership, **Partnership Agreement**
 - If corporation or LLC, **Articles of Organization** from the Secretary of the Commonwealth
- CORI Authorization Form** Complete one for each individual with financial or beneficial interest in the entity that is applying AND one for the proposed manager of record. This form must be notarized with a stamp or raised seal.
- Manager Application**
- Purchase and Sales Agreement**
- Proof of Citizenship** for the proposed Manager of Record.
- Vote of the Corporate Board**
- Supporting Financial Records** for all financing and or loans, including pledge documents, if applicable.
- Legal Right to Occupy**, a lease or deed. *draft*
- Floor Plan**
- Advertisement**
- Monetary Transmittal Form**
- \$200 Fee** paid online
- Payment Receipt**
- Management Agreement**, if applicable, requires the following :
 - Management Agreement Application
 - Management Agreement
 - Vote of the Entity
 - CORI Forms for all listed in Section 13 and attachments

Town of Falmouth:

- A \$50.00 Filing Fee made payable to the Town of Falmouth
- A \$50.00 Advertising Fee made payable to the Town of Falmouth
- Fingerprint-Based Background Check (for Manager of Record)
 - \$30.00 payable to the Town of Falmouth
 - \$30.00 cashier's check or money order payable to Commonwealth of Massachusetts (Police Dept.)
- A hearing before the Board of Selectmen *2/1/21*

Other:

- N/A* Common Victualler License, Entertainment License, Sunday Entertainment License, and/or Automatic Amusement
- N/A* License Fees associated with above license types
- TIPS Certifications
- N/A* Certificate of Liquor Liability Insurance
- N/A* Health Permit
- N/A* Building/Fire Certificate of Inspection
- Sign Permit (Inspectional Services)
- Certificate of Doing Business (Town Clerk)
- Special Permit issued by Zoning Board of Appeals

Please refer to ABCC website: www.mass.gov/orgs/alcoholic-beverages-control-commission

1. Click on Alcoholic Beverages Retail Licenses
2. Click on Apply for an Alcoholic Beverages Retail License (New or Transfer)
3. Download the New or Transfer Retail License Application and CORI Authorization Form
4. Complete the Application and CORI Form
5. Save to your computer
6. Print out and sign
7. Attach all required documents and submit entire package to the Board of Selectmen's Office



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

00092-PK-0390

ABCC License Number

TRANSACTION TYPE (Please check all relevant transactions):

The license applicant petitions the Licensing Authorities to approve the following transactions:

- New License
- Change of Location
- Change of Class (i.e. Annual / Seasonal)
- Change Corporate Structure (i.e. Corp / LLC)
- Transfer of License
- Alteration of Licensed Premises
- Change of License Type (i.e. club / restaurant)
- Pledge of Collateral (i.e. License/Stock)
- Change of Manager
- Change Corporate Name
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Management/Operating Agreement
- Change of Officers/
Directors/LLC Managers
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Issuance/Transfer of Stock/New Stockholder
- Change of Hours
- Other
- Change of DBA

APPLICANT INFORMATION

Name of Licensee DBA

Street Address Zip Code

Manager

Granted under Special Legislation? Yes No

If Yes, Chapter

of the Acts of (year)

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

DESCRIPTION OF PREMISES Complete description of the licensed premises

322 Palmer Avenue, containing 4,323 sq. ft., having 3 entrances and 3 exits.

LOCAL LICENSING AUTHORITY INFORMATION

Application filed with the LLA: Date Time

Advertised Yes No Date Published Publication

Abutters Notified: Yes No Date of Notice

Date APPROVED by LLA Decision of the LLA

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

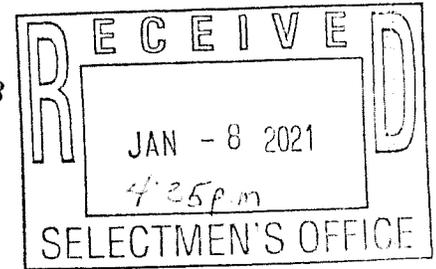
For Transfers ONLY:
Seller License Number: Seller Name:

The Local Licensing Authorities By:

Alcoholic Beverages Control Commission
Ralph Sacramone
Executive Director



The Commonwealth of Massachusetts
 Alcoholic Beverages Control Commission
 95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
 www.mass.gov/abcc



APPLICATION FOR A TRANSFER OF LICENSE

Municipality

1. TRANSACTION INFORMATION

- Transfer of License
- Alteration of Premises
- Change of Location
- Management/Operating Agreement
- Pledge of Inventory
- Pledge of License
- Pledge of Stock
- Other
- Change of Class
- Change of Category
- Change of License Type (\$12 ONLY, e.g. "club" to "restaurant")

Please provide a narrative overview of the transaction(s) being applied for. On-premises applicants should also provide a description of the intended theme or concept of the business operation. Attach additional pages, if necessary.

2. LICENSE CLASSIFICATION INFORMATION

ON/OFF-PREMISES	TYPE	CATEGORY	CLASS
<input type="text" value="Off-Premises-15"/>	<input type="text" value="\$15 Package Store"/>	<input type="text" value="All Alcoholic Beverages"/>	<input type="text" value="Annual"/>

3. BUSINESS ENTITY INFORMATION

The entity that will be issued the license and have operational control of the premises.

Current or Seller's License Number FEIN

Entity Name

DBA Manager of Record

Street Address

Phone Email

Add'l Phone Website

4. DESCRIPTION OF PREMISES

Please provide a complete description of the premises to be licensed, including the number of floors, number of rooms on each floor, any outdoor areas to be included in the licensed area, and total square footage. If this application alters the current premises, provide the specific changes from the last approved description. You must also submit a floor plan.

Total Sq. Footage	<input type="text" value="4,323"/>	Seating Capacity	<input type="text"/>	Occupancy Number	<input type="text"/>
Number of Entrances	<input type="text" value="3"/>	Number of Exits	<input type="text" value="3"/>	Number of Floors	<input type="text" value="1"/>

APPLICATION FOR A TRANSFER OF LICENSE

5. CURRENT OFFICERS, STOCK OR OWNERSHIP INTEREST

Transferor Entity Name By what means is the license being transferred?

List the individuals and entities of the current ownership. Attach additional pages if necessary utilizing the format below.

Name of Principal	Title/Position	Percentage of Ownership
Jaycine C. Hedlund	President, Treasurer, Secretary and Director	100
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST

List all individuals or entities that will have a direct or indirect, beneficial or financial interest in this license (E.g. Stockholders, Officers, Directors, LLC Managers, LLC Members, LLP Partners, Trustees etc.). Attach additional page(s) provided, if necessary, utilizing Addendum A.

- The individuals and titles listed in this section must be identical to those filed with the Massachusetts Secretary of State.
- The individuals identified in this section, as well as the proposed Manager of Record, must complete a CORI Release Form.
- Please note the following statutory requirements for Directors and LLC Managers:
 - On Premises (E.g. Restaurant/ Club/Hotel) Directors or LLC Managers** - At least 50% must be US citizens;
 - Off Premises (Liquor Store) Directors or LLC Managers** - All must be US citizens and a majority must be Massachusetts residents.
- If you are a Multi-Tiered Organization, please attach a flow chart identifying each corporate interest and the individual owners of each entity as well as the Articles of Organization for each corporate entity. Every individual must be identified in Addendum A.

Name of Principal	Residential Address	SSN	DOB	Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen	MA Resident
Nilesh P. Marfatia	4 Symphony Lane, Sandwich, MA 02563	<input type="text"/>	<input type="text"/>	President, Treasurer and Secretary	50	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No
Nimitaben H. Brahmhatt	1311 Sandwich Road, East Falmouth, MA 02536	<input type="text"/>	<input type="text"/>	<input type="text"/>	50	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input checked="" type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

APPLICATION FOR A TRANSFER OF LICENSE

6. PROPOSED OFFICERS, STOCK OR OWNERSHIP INTEREST (Continued...)

Name of Principal	Residential Address	SSN	DOB
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No			

Name of Principal	Residential Address	SSN	DOB
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No			

Name of Principal	Residential Address	SSN	DOB
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>
Title and or Position	Percentage of Ownership	Director/ LLC Manager	US Citizen
<input style="width:95%;" type="text"/>	<input style="width:95%;" type="text"/>	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No
<input type="radio"/> Yes <input type="radio"/> No			

Additional pages attached? Yes No

CRIMINAL HISTORY

Has any individual listed in question 6, and applicable attachments, ever been convicted of a State, Federal or Military Crime? If yes, attach an affidavit providing the details of any and all convictions.

Yes No

6A. INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Does any individual or entity identified in question 6, and applicable attachments, have any direct or indirect, beneficial or financial interest in any other license to sell alcoholic beverages? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	Municipality
Nilesh P. Marfatia	Package Store	Marine Liquors, Inc.	Dennis
Nilesh P. Marfatia	Package Store	Paradise Corporation	Sandwich
Nilesh P. Marfatia	Package Store	Neelkanth Package Corp.	Yarmouth

6B. PREVIOUSLY HELD INTEREST IN AN ALCOHOLIC BEVERAGES LICENSE

Has any individual or entity identified in question 6, and applicable attachments, ever held a direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages, which is not presently held? Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Name	License Type	License Name	

APPLICATION FOR A TRANSFER OF LICENSE

6C. DISCLOSURE OF LICENSE DISCIPLINARY ACTION

Have any of the disclosed licenses listed in question 6A or 6B ever been suspended, revoked or cancelled?
Yes No If yes, list in table below. Attach additional pages, if necessary, utilizing the table format below.

Date of Action	Name of License	City	Reason for suspension, revocation or cancellation

7. CORPORATE STRUCTURE

Entity Legal Structure Date of Incorporation
State of Incorporation Is the Corporation publicly traded? Yes No

8. OCCUPANCY OF PREMISES

Please complete all fields in this section. Please provide proof of legal occupancy of the premises.

- If the applicant entity owns the premises, a deed is required.
- If leasing or renting the premises, a signed copy of the lease is required.
- If the lease is contingent on the approval of this license, and a signed lease is not available, a copy of the unsigned lease and a letter of intent to lease, signed by the applicant and the landlord, is required.
- If the real estate and business are owned by the same individuals listed in question 6, either individually or through separate business entities, a signed copy of a lease between the two entities is required.

Please indicate by what means the applicant will occupy the premises

Landlord Name

Landlord Phone

Landlord Email

Landlord Address

Lease Beginning Date

Rent per Month

Lease Ending Date

Rent per Year

Will the Landlord receive revenue based on percentage of alcohol sales? Yes No

9. APPLICATION CONTACT

The application contact is the person who the licensing authorities should contact regarding this application.

Name:

Phone:

Title:

Email:

12. MANAGER APPLICATION

A. MANAGER INFORMATION

The individual that has been appointed to manage and control the licensed business and premises.

Proposed Manager Name Date of Birth SSN

Residential Address

Email Phone

Please indicate how many hours per week you intend to be on the licensed premises

B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* Yes No *Manager must be a U.S. Citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? Yes No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
01/14/2011	08/30/2020	Store Manager	Kash & Karry	Darshak Brahmbhatt

D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? Yes No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature Date

CORPORATE VOTE

The Board of Directors or LLC Managers of Entity Name
duly voted to apply to the Licensing Authority of and the
City/Town
Commonwealth of Massachusetts Alcoholic Beverages Control Commission on
Date of Meeting

For the following transactions (Check all that apply):

- New License
- Transfer of License
- Change of Manager
- Change of Officers/
Directors/LLC Managers
- Change of Location
- Alteration of Licensed Premises
- Change Corporate Name
- Change of Ownership Interest
(LLC Members/ LLP Partners,
Trustees)
- Change of Class (i.e. Annual / Seasonal)
- Change of License Type (i.e. club / restaurant)
- Change of Category (i.e. All Alcohol/Wine, Malt)
- Issuance/Transfer of Stock/New Stockholder
- Other
- Change Corporate Structure (i.e. Corp / LLC)
- Pledge of Collateral (i.e. License/Stock)
- Management/Operating Agreement
- Change of Hours
- Change of DBA

"VOTED: To authorize
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint
Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,



Corporate Officer /LLC Manager Signature

Nilesh P. Marfatia

(Print Name)

For Corporations ONLY

A true copy attest,



Corporation Clerk's Signature

Nilesh P. Marfatia

(Print Name)

Certificate of Completion

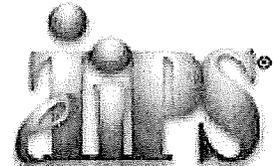
This Certificate of Completion of
eTIPS Off Premise 3.1
For coursework completed on January 15, 2021
provided by Health Communications, Inc.
is hereby granted to:

Nimita Brahmhatt
Certification to be sent to:

1311 Sandwich Rd
East Falmouth MA, 02536-4251 USA



HEALTH COMMUNICATIONS INC.



This document is not proof of TIPS certification. It signifies only that you have completed the course. Valid certification documents will be forwarded to you.

Diane Davidson

From: Brian Reid
Sent: Friday, January 15, 2021 3:16 PM
To: Diane Davidson
Cc: Sean Doyle
Subject: RE: Application for Transfer of Package Store License - Falmouth Wine & Spirits

We have no objection.

Captain Brian L. Reid

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

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

From: Diane Davidson
Sent: Wednesday, January 13, 2021 1:00 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>
Subject: Application for Transfer of Package Store License - Falmouth Wine & Spirits

To all,

Attached please find an application from Gajanan Package Corporation for a transfer of an all alcoholic beverages package store license for Falmouth Wine & Spirits, located at 322 Palmer Avenue. Please provide your comments/recommendations to the Select Board on this application and email to me by Tuesday, January 26.

If you would like to review any of the documents submitted with the application as indicated on the attached checklist, please let me know.

The hearing is scheduled on the Select Board meeting of Monday, February 1, 2021.

Thank you,

Diane

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

Diane Davidson

From: Timothy Smith
Sent: Wednesday, January 13, 2021 5:12 PM
To: Phyllis Downey; Diane Davidson
Cc: Craig O'Malley; Boyd Demello
Subject: Reviews

Phyllis and Diane,
Fire Prevention has reviewed the application request of transfers or license for : ***Sweet Rice, Seacrest Concessionaire and Falmouth Wine and Spirits*** and report no issues noted with these requests.
Thank you.

Timothy Smith, Fire Chief
Falmouth Fire Rescue Department
Work: (508) 495-2511
Cell: (508) 274-6410

Diane Davidson

From: Thomas Bott
Sent: Wednesday, January 13, 2021 1:37 PM
To: Diane Davidson; Brian Reid; Sean Doyle; Timothy Smith; Rod Palmer; Scott McGann; Noreen Stockman
Cc: Melinda Rebelo; Pamela Marshall; Linda Kinchla; Phyllis Downey
Subject: RE: Application for Transfer of Package Store License - Falmouth Wine & Spirits

Dear Diane:

With no physical changes proposed to the facility the Planning Office doesn't have any current concerns with the transfer of liquor licenses.

TBott

From: Diane Davidson
Sent: Wednesday, January 13, 2021 1:00 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>
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Thank you,

Diane

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

Diane Davidson

From: Noreen Stockman
Sent: Wednesday, January 13, 2021 1:23 PM
To: Diane Davidson
Subject: RE: Application for Transfer of Package Store License - Falmouth Wine & Spirits

Ok for ZBA, thank you,
Noreen

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

From: Diane Davidson <diane.davidson@falmouthma.gov>
Sent: Wednesday, January 13, 2021 1:00 PM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>
Cc: Melinda Rebelo <melinda.rebelo@falmouthpolicema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>
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Diane

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Office Manager/Licensing
Office of the Town Manager and Select Board
Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
diane.davidson@falmouthma.gov*

Diane Davidson

From: Diane Davidson
Sent: Wednesday, January 13, 2021 1:00 PM
To: Brian Reid; Sean Doyle; Tim Smith - Falmouth Fire Rescue Department (timothy.smith@falmouthfirema.gov); Rod Palmer - Inspectional Services (rod.palmer@falmouthma.gov); Scott McGann; Thomas Bott; Noreen Stockman
Cc: Melinda Rebelo; Pamela Marshall; Linda Kinchla; Phyllis Downey
Subject: Application for Transfer of Package Store License - Falmouth Wine & Spirits
Attachments: Falmouth Wine & Spirits - Transfer of All Alcohol Package Store License.pdf

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Thank you,

Diane

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

SUMMARY OF ACTIONS

#1. ADMINISTRATIVE ORDERS

- a. Vote to accept donation in the amount of \$100,000.00 from an anonymous donor to the Conservation Department Donation Account for the Coonamessett Greenway Heritage Trail (and Gateway) and future river restoration projects

Memo

To: Select Board, Town Administration, and Finance Department

From: Elizabeth Gladfelter

Re: Donation of \$100,000.00 to the Conservation Department

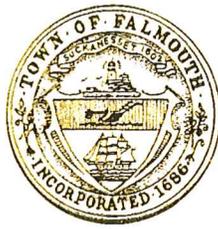
Date: 20 January 2021

An anonymous donor wishes to contribute \$100,000.00 to the Conservation Department to be spent as follows for the Coonamessett Greenway Heritage Trail (and Gateway) and future river restoration projects:

1. For any needed contingency funding needed for the Gateway to the Greenway project construction contract.
2. Any funds not required for the construction contract would be available to the Conservation Department for additional improvements to the Coonamessett Greenway Heritage Trail and for any future restoration work in the upper river.

#1. ADMINISTRATIVE ORDERS

- b. Vote to accept FY2021 Traffic Grant – Municipal Road Safety Program grant funding in the amount of \$25,000.00 awarded to the Falmouth Police Department from the Executive Office of Public Safety and Security's Highway Safety Division



Falmouth Police Department
Chief Edward A. Dunne

January 26, 2021

Ms. Meghan English-Braga, Chairman
Board of Selectmen
Falmouth Town Hall
59 Town Hall Square
Falmouth, MA 02540

Subject: Acceptance of Grant Funding \$25,000.00
Executive Office of Public Safety and Security's Highway Safety Div.
FY 2021 Traffic Grant – Municipal Road Safety Grant
Budget period: December 24, 2020 to September 15, 2021

Dear Board of Selectmen:

We have been designated to receive federal grant funds in the amount of \$25,000.00 to help fund traffic enforcement. The grant funding would be utilized for proactive enforcement during the specific campaigns. As we have always done in the past, we will abide by all of the enforcement guidelines and officers will be compensated for actual hours worked.

We are requesting the Board of Selectmen to formally accept this grant.

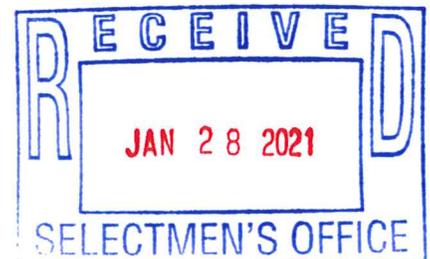
Thank you in advance for your attention to this matter.

Sincerely,

Edward A. Dunne
Chief of Police

EAD/mar

Enclosure: Signed Standard Contract Form



COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM



This form is jointly issued and published by the Office of the Comptroller (CTR), the Executive Office for Administration and Finance (ANF), and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy. The Commonwealth deems void any changes made on or by attachment (in the form of addendum, engagement letters, contract forms or invoice terms) to the terms in this published form or to the **Standard Contract Form Instructions and Contractor Certifications**, the **Commonwealth Terms and Conditions for Human and Social Services** or the **Commonwealth IT Terms and Conditions** which are incorporated by reference herein. Additional non-conflicting terms may be added by Attachment. Contractors are required to access published forms at CTR Forms: <https://www.macomptroller.org/forms>. Forms are also posted at OSD Forms: <https://www.mass.gov/lists/osd-forms>.

CONTRACTOR LEGAL NAME: Town of Falmouth Police Department (and d/b/a):		COMMONWEALTH DEPARTMENT NAME: Executive Office of Public Safety & Security MMARS Department Code: EPS	
Legal Address: (W-9, W-4): 340 Teaticket Highway, Falmouth, MA 02536		Business Mailing Address: 10 Park Plaza, Suite 3720-A, Boston, MA 02116	
Contract Manager: Lt. Sean Doyle	Phone: 774-255-4527 x4505	Billing Address (if different):	
E-Mail: sean.doyle@falmouthpolice.ma.gov	Fax: 508-457-2566	Contract Manager: Rita Taylor	Phone: 617-725-33301
Contractor Vendor Code: VC6000191790		E-Mail: Rita.Taylor@mass.gov	Fax: 617-725-0260
Vendor Code Address ID (e.g. "AD001"): AD001____ (Note: The Address ID must be set up for EFT payments.)		MMARS Doc ID(s): 2021MRSPFALMOUTHXXXX	
<input checked="" type="checkbox"/> NEW CONTRACT		<input type="checkbox"/> CONTRACT AMENDMENT	
PROCUREMENT OR EXCEPTION TYPE: (Check one option only) <input type="checkbox"/> Statewide Contract (OSD or an OSD-designated Department) <input type="checkbox"/> Collective Purchase (Attach OSD approval, scope, budget) <input checked="" type="checkbox"/> Department Procurement (includes all Grants - <u>815 CMR 2.00</u>) (Solicitation Notice or RFR, and Response or other procurement supporting documentation) <input type="checkbox"/> Emergency Contract (Attach justification for emergency, scope, budget) <input type="checkbox"/> Contract Employee (Attach Employment Status Form, scope, budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language, legislation with specific exemption or earmark, and exception justification, scope and budget)		Enter Current Contract End Date <u>Prior</u> to Amendment: _____, 20____. Enter Amendment Amount: \$ _____. (or "no change") AMENDMENT TYPE: (Check one option only. Attach details of amendment changes.) <input type="checkbox"/> Amendment to Date, Scope or Budget (Attach updated scope and budget) <input type="checkbox"/> Interim Contract (Attach justification for Interim Contract and updated scope/budget) <input type="checkbox"/> Contract Employee (Attach any updates to scope or budget) <input type="checkbox"/> Other Procurement Exception (Attach authorizing language/justification and updated scope and budget)	
The Standard Contract Form Instructions and Contractor Certifications and the following Commonwealth Terms and Conditions document are incorporated by reference into this Contract and are legally binding: (Check ONE option): <input checked="" type="checkbox"/> Commonwealth Terms and Conditions <input type="checkbox"/> Commonwealth Terms and Conditions For Human and Social Services <input type="checkbox"/> Commonwealth IT Terms and Conditions			
COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under <u>815 CMR 9.00</u> . <input type="checkbox"/> Rate Contract. (No Maximum Obligation) Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.) <input checked="" type="checkbox"/> Maximum Obligation Contract. Enter total maximum obligation for total duration of this contract (or <i>new</i> total if Contract is being amended). \$ <u>25,000.00</u>			
PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days ___% PPD; Payment issued within 15 days ___% PPD; Payment issued within 20 days ___% PPD; Payment issued within 30 days ___% PPD. If PPD percentages are left blank, identify reason: <input checked="" type="checkbox"/> agree to standard 45 day cycle ___ statutory/legal or Ready Payments (<u>M.G.L. c. 29, § 23A</u>); ___ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)			
BRIEF DESCRIPTION OF CONTRACT PERFORMANCE OR REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) FFY2021-Municipal Road Safety Program PT-20-07-42/FASTACT402 - \$20,000 Assistance Listings# 20.600 PT-20-07-42/FASTACT405 - \$5,000 Assistance Listings# 20.616			
ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations: <input checked="" type="checkbox"/> 1. may be incurred as of the Effective Date (latest signature date below) and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input type="checkbox"/> 2. may be incurred as of _____, 20____, a date LATER than the Effective Date below and <u>no</u> obligations have been incurred <u>prior</u> to the Effective Date. <input type="checkbox"/> 3. were incurred as of _____, 20____, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.			
CONTRACT END DATE: Contract performance shall terminate as of <u>09/15, 2021</u> , with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.			
CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor certifies that they have accessed and reviewed all documents incorporated by reference as electronically published and the Contractor makes all certifications required under the Standard Contract Form Instructions and Contractor Certifications under the pains and penalties of perjury, and further agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form, the Standard Contract Form Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response (excluding any language stricken by a Department as unacceptable, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in <u>801 CMR 21.07</u> , incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.			
AUTHORIZING SIGNATURE FOR THE CONTRACTOR: X: <u>[Signature]</u> Date: <u>12-8-20</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Edward A. Dunne</u> Print Title: <u>Chief of Police DEC 22 2020</u>		AUTHORIZING SIGNATURE FOR THE COMMONWEALTH: X: <u>[Signature]</u> Date: <u>[Signature]</u> (Signature and Date Must Be Handwritten At Time of Signature) Print Name: <u>Kevin J. Stanton</u> Print Title: <u>Executive Director, Office of Grants & Research</u>	



CHARLES D. BAKER
Governor

Office of the Governor Commonwealth of Massachusetts

State House
Boston, Massachusetts 02133
Tel: (617) 725-4000

KARYN E. POLITO
Lieutenant Governor

November 24, 2020

Chief Dunne
Falmouth Police Department
750 Main Street
Falmouth, MA 02540

Dear Chief Dunne:

Congratulations! We are pleased to inform you that the Executive Office of Public Safety and Security's Office of Grants and Research (OGR) has awarded the Falmouth Police Department \$25,000 for your Municipal Road Safety program. Funds are being made available from the National Highway Traffic Safety Administration grant award.

Please note that funding will be made available through September 15, 2021. All documents necessary to make this award official will be provided to you by OGR. If you have any questions, please feel free to email Richard Valeri, OGR Program Coordinator at richard.valeri@mass.gov or by telephone at 617-933-3528.

Once again, congratulations and we thank you for the work you do to keep Massachusetts roads safe for everyone.

Sincerely,

Handwritten signature of Charles D. Baker in black ink.

Governor Charles D. Baker

Handwritten signature of Karyn E. Polito in black ink.

Lt. Governor Karyn E. Polito

- c. Vote to extend lease between the Town of Falmouth and the North Falmouth Village Association of the Old North Falmouth Fire Station (“The Village Junction”), 212 Old Main Road, for an additional 10-year term

LEASE

This is a lease agreement by and between the Town of Falmouth, a municipal corporation in Barnstable County, Massachusetts with an address of 59 Town Hall Square, Falmouth, Massachusetts 02540 (the Landlord) and the North Falmouth Village Association, Inc., a Massachusetts not for profit corporation, P.O. Box 762, North Falmouth, Massachusetts 02556 (the Tenant). Hereinafter follows the terms and conditions of the lease.

1. Granted Premises

Landlord hereby leases to Tenant the building known as the Old North Falmouth Fire Station, including the surrounding grounds, with an address of 212 Old Main Road, North Falmouth, Massachusetts (hereinafter referred to as the "Premises"). The Landlord represents that it has good title to the premises and this representation is a condition of the lease. Provided Tenant is not in default, Tenant shall have peaceable and quiet enjoyment and possession of the Premises herein demised during the term hereof without any hindrance or molestation from Landlord, its agents, servants or employees.

2. Term

The lease term shall commence on October 31, 2011. The term of this Lease shall be for ten (10) years following the Commencement Date with the option to renew for one (1) additional ten (10) year term at mutually agreeable terms as hereinafter set forth. Provided the Tenant is not in default, it is the Landlord's present intention to honor the Tenant's option to extend the term of the Lease for an additional ten-year term.

To exercise this option to extend the Tenant shall notify the Landlord by written notice of the Tenant's intentions to extend, said notification to be received by the Landlord no later than one (1) year before the last day of the first ten-year term and the Landlord shall respond to the notice within ninety (90) days of its receipt.

3. Condition of the Premises

Landlord shall deliver to Tenant the Premises in AS IS condition. Tenant acknowledges that Landlord has made no representations as to the condition of the Premises. Tenant acknowledges that the premises have been previously occupied by the Tenant and that the Tenant is fully aware of the condition of the structure. Landlord shall have no obligation to repair the same. Tenant shall keep the Premises in good order and repair, including but not limited to interior and exterior painting and maintain the grounds and snow and ice removal. In addition Tenant shall be responsible for any damages caused by the Tenant, its guests, invitees or trespassers to the Premises during the term of this lease or maintain the grounds and snow and ice removal.

4. Capital Repairs/Improvements.

Should the building require major structural repairs or capital improvements such as roof replacement, foundation repairs, or other upgrades or repairs not considered ordinary care and maintenance, during the term, the Landlord and the Tenant shall discuss and mutually agree to the schedule and funding of improvements required, but the Landlord shall not be obligated to make any major structural repairs, including the heating system, or any capital improvements unless funds are appropriated by Town Meeting for this purpose. In the interim the Tenant will make every reasonable effort to protect the premise.

5. Use of Premises

It is understood that Tenant intends to use the Premises for community services, recreational activities and other functions consistent with the Tenant's corporate purposes as a neighborhood village association. Alcoholic beverages shall not be permitted within or on the Premises except as may be licensed by the Board of Selectmen.

6. Tenant's Improvements

Tenant may make, at its expense, interior and exterior structural and non-structural alterations, additions or improvements to the Premises with the written consent of the Landlord, which consent shall not be unreasonably withheld. The Tenant shall be solely responsible for acquiring any and all necessary permits or orders of condition required for such improvements. No modification, alteration, demolition or repair of the exterior of the structure may be undertaken without first consulting the Historical Commission and the Falmouth Historic Districts Commission and seeking any official review that may be required. All other alterations, additions and improvements shall remain in place as the property of the Landlord. Tenant shall repair any damage to the Premises occasioned by such improvements to the satisfaction of the Landlord. Tenant shall promptly pay all contractors and material men hired by Tenant to furnish any labor materials. Should any lien be made or filed, Tenant shall bond against or discharge same within (10) days after written request by Landlord. Aside from any trade fixtures installed by the Tenant for the purpose of carrying out its purposes, all improvements, additions and modifications shall become the property of the Landlord unless agreed to in writing prior to the undertaking of such improvements, additions and modifications.

7. Utility Charges

Tenant shall be solely responsible for and promptly pay all charges for heat, water, gas, electricity, cable television, telephone or any other utility used or consumed in the Premises. Tenant shall have maintenance responsibility for the heating, ventilation and air conditioning systems if any serving the Premises.

8. Assignment Subletting

Tenant shall not have the right to assign or sublet the Premises.

9. Governmental Regulations

Tenant shall, at Tenant's sole cost and expense, comply with all of the requirements of all county, municipal, state, federal and other applicable governmental authorities, now in force, or which may hereafter be in force, pertaining to its use of said Premises. Tenant acknowledges that Landlord has made no representations as to the suitability of the Premises for the licensing of any activity.

10. Access to Landlord

Landlord or Landlord's agent shall have the right to enter the Premises at reasonable times to examine same, and to make such repairs, alterations, improvements or additions as Landlord may deem necessary or desirable, provided such entry or repairs shall not unreasonably interfere with Tenant's occupancy of or business in the Premises.

11. Rent

In consideration of this lease, the Tenant will annually pay the Landlord, on or before [*November 1st*] of each year, the sum of one and no/100 dollars (\$1.00).

12. Insurance

The Tenant shall maintain with insurers authorized to do business in the Commonwealth of Massachusetts and which are well rated by a recognized national insurance rating organization a general comprehensive public liability insurance policy against claims for bodily injury, death or property damage arising out of the use and occupancy of the Premises with limits no less than \$1,000,000.00 per person and \$2,000,000.00 per occurrence. All insurance shall name the Tenant and the Landlord as the insured parties as their interests may appear. Any deductibles must be approved in writing by the Landlord prior to the effective date of the policy.

The Landlord may keep the Premises insured against loss by fire with extended coverage in an amount to be determined solely by the Landlord and the Tenant shall be responsible for such insurance on its personal property, trade fixtures and contents. The Landlord's insurance shall name the Tenant as an additional insured as its interests may appear. The Landlord represents to the Tenant and the Tenant acknowledges that the Premises is a historic building, of significant cultural and historic value to the Landlord, but not required for the Landlord's day to day operation. Accordingly the Landlord may or may not wish to rebuild or repair the Premises in the event the Premises or any portion thereof is destroyed by fire or other casualty during the term of this lease. The decision to rebuild or repair any damage shall be solely the Landlord's. Whether or not the Landlord determines to rebuild

or repair, this lease shall terminate in any event if the Premises are unsuitable for occupancy by the Tenant for its use of the Premises as defined in paragraph 5 hereof for a period of sixty (60) consecutive days after the fire or other destructive event.

The Tenant shall deliver to the Landlord, promptly at the commencement of the term of this lease, insurer's certificates evidencing all insurance that the Tenant must maintain under this lease, and within thirty (30) days before any insurance expires, certificates evidencing its renewal. Any policy of insurance shall contain a clause that the insurer will not cancel or change the insurance without first giving the Landlord thirty (30) business days prior written notice. The Landlord shall deliver to the Tenant promptly at the commencement of the term of this lease, insurer's certificates evidencing all insurance that the Landlord maintains under this lease, and within thirty (30) days before any insurance expires, certificates evidencing its renewal.

13. Indemnification

The Tenant hereby indemnifies, and shall protect and hold the Landlord harmless from and against all liabilities, losses, claims, demands, costs, expenses, and judgments of any nature arising, or alleged to arise, from or in connection with the following: (a) any injury to, or the death of any person or loss or damage to property on or about the Premises or any adjoining property arising from or connected with the Tenant's use of the Premise during the term or (b) performance of any labor or services or the furnishing of any materials or other property in respect of the Premise or any part thereof by or at the request of Tenant. The Tenant will resist and defend any action, suit or proceeding brought against the Landlord by reason of any such occurrence by counsel designated by the Tenant and approved by Landlord.

14. Default of Tenant

Tenant shall be held in default of any term or provision of this lease if:

(a) it violates any term or condition contained herein, or

(b) it ceases to operate or qualify as a not for profit corporation in accordance with the Massachusetts General Laws or the Internal Revenue Code.

In the event of such default, Landlord may declare the term of lease terminated, enter into possession of said Premises and sue for and recover possession of said Premises. Landlord, further, shall have all rights granted to it under the laws of the state in which the Premises are located including reimbursement for reasonable attorney's fees.

The Tenant shall have a thirty (30) day period in which to cure any default which period shall commence upon written notice from the Landlord to the Tenant identifying the default; provided, however, that any default relating to the Tenant's obligations to provide insurance or discharge liens on the property shall be cured immediately upon the happening of the event of default without any written notice from the Landlord to the Tenant.

15. Signs

Tenant shall have the right to erect signs on any portion of the leased Premises provided that such signs fully comply with Chapter 180 of the Code of Falmouth and are issued a certificate of appropriateness from the Falmouth Historical District Commission if applicable.

16. Notices

All notices required to be sent under the provisions of this lease to Landlord and Tenant by one another shall be in writing and sent by U.S. mail, certified, return receipt requested, to the addresses set forth on the first page of this lease. The Landlord's responsible party is Town Manager, 59 Town Hall Square, Falmouth, MA 02540 (tel: 508-495-7320). The Tenant's responsible party is _____ (tel: _____). Each party must notify the other of any change in the designation of a responsible party as soon as possible.

17. Emergency

Landlord may, if an emergency shall exist, perform any obligation of Tenant hereunder for the account of Tenant after first notifying the Tenant of the same by telephone or written notice of such emergency. In such event, Landlord shall request Tenant to reimburse Landlord for any expenditure made by Landlord. If Tenant fails to reimburse Landlord within thirty (30) days after Landlord's request therefore, Landlord may treat such failure to reimburse as a default hereunder.

18. Successors and Assigns

This Lease shall be binding upon and shall inure into the benefit of the parties hereto and their respective legal representatives, heirs, successors and assigns.

19. Holdover

Should Tenant remain in possession of the Premises after the expiration of the term of this Lease, such holding over shall be deemed to have created and be construed to be a tenancy from month to month, terminable on thirty (30) days' written notice from either party to the other.

20. Tenant Cancellation

In the event that the Tenant shall cancel this lease for any reason permitted hereunder, then the Landlord shall benefit from all repairs, improvements and enhancements, made by the Tenant up to the time of the notice of cancellation. The Landlord shall be under no obligation to refund or repay any portion of money paid by the Tenant for any such repair, improvement or enhancement made prior to notice of the cancellation.

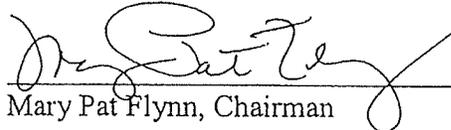
This paragraph 20 is meant to pertain only to cancellations permitted under this lease for the failure to meet stated contingencies and shall not be interpreted in any way as affecting the Landlord's rights in the event of a default by the Tenant.

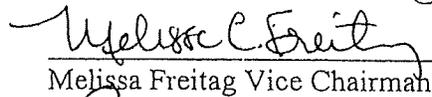
21. Authority to Sign and Commit

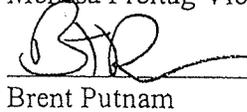
The Tenant hereby agrees and warrants that it has complied with its Articles of Organization and By-laws in entering into this lease agreement. Further, that those signing the lease agreement have the power and authority to sign this lease. The Landlord hereby warrants that this lease is authorized by Article 15 of the November 2009 Annual Town Meeting, a copy of which is attached hereto as Exhibit A. There has been compliance with G.L. chapter 30B.

IN WITNESS WHEREOF Landlord, and Tenant, have signed and sealed this lease this 31st day of October 2011.

Landlord by the:
BOARD OF SELECTMEN OF
THE TOWN OF FALMOUTH


Mary Pat Flynn, Chairman

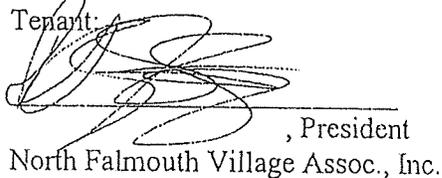

Melissa Freitag Vice Chairman


Brent Putnam


Kevin Murphy

David Braga

Date 10-31-11

Tenant: 
, President
North Falmouth Village Assoc., Inc.

Date 11/8/11

- d. Approve and execute access easement to Lawrence Lynch, LLC for solar project on Locustfield Road with appurtenant drainage and reserved area easement at authorized by Article 20, November 2019 Annual Town Meeting

ACCESS EASEMENT AND RIGHT OF WAY
TOWN OF FALMOUTH TO LAWRENCE LYNCH REALTY CORP.

The Town of Falmouth, a municipal corporation in the Commonwealth of Massachusetts, (hereinafter “the Town”) having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts, acting by and through its duly elected Select Board, in consideration of the payment to the Town of Ten (\$10.00) Dollars by Lawrence Lynch Realty Corporation, a duly organized Massachusetts corporation with a principal place of business at 396 Gifford St., Massachusetts, does hereby grant to the said Lawrence Lynch Realty Corporation, its agents, tenants, lessees, invitees, licensees, successors and assigns (collectively “Lynch”) with quitclaim covenants, a non - exclusive Access Easement and Right of Way (referred to herein as the “Easement”) over and across certain land of the Town of Falmouth to be hereinafter described, as appurtenant to, and for the benefit of certain adjoining land of Lynch, to be hereinafter described.

Location of The Access Easement and Right of Way

The Easement is shown on a plan entitled: “Subdivision Plan of Land Prepared for Town of Falmouth in Hatchville, Falmouth MA.” Date April 24, 2020 (with revisions dated May 18, 2020) prepared by Holmes and McGrath Inc. to be recorded herewith at Barnstable Registry of Deeds at Plan Book Page .
(Hereinafter referred to as “the Subdivision plan”)

A copy of a portion of the recorded Subdivision plan is attached hereto as Exhibit A.

The Easement is designated on the Subdivision plan as "ROAD - Access Easement & Right of Way" with a width of 44' and can be described as follows:

"Beginning at a cement bound (CB) with drill hole (DH) located on the westerly sideline of Locustfield Road, then extending in a southeasterly direction for a distance of 1169.41 feet to Parcel 3, now or formerly of Lawrence Lynch Realty Corp.; thence turning and running in a straight line for a distance of 44.00 feet to the northeast corner of Lot 5 as shown on the plan; thence turning and running in a straight line in a northwesterly direction for a distance of 977.49 feet; then further extending to Locustfield Road for a distance of 135.10 on a curve; thence in a northeasterly direction for a distance of 99.25 feet to the point of beginning."

The within described Easement shall be appurtenant to, and for the benefit of the adjoining land of Lynch, including land described as Parcel A and shown to contain 65.89 acres on a plan entitled: "Plan of Land Prepared for Lawrence Lynch Corporation in Hatchville, Falmouth Mass" by Holmes and McGrath which plan is dated March 5, 1997 and recorded at Barnstable County Registry of Deeds Plan Book 531 Page 37; and also appurtenant to and for the benefit of a rectangular parcel of land designated as Parcel 3 and shown to contain 3.61 acres on Plan of Land of Frederick V. Lawrence in Hatchville, Falmouth, Mass. Prepared by Holmes and McGrath and recorded at Barnstable Registry of Deeds Plan Book 389 Page 21. Both Parcel A and Parcel 3 are shown on the Subdivision Plan.

The grant herein shall be non-exclusive and shared in common with all those others lawfully entitled thereto, and shall include all rights and be for all purposes for which roads, ways and streets are ordinarily used within the town of Falmouth. Such rights shall specifically include, but not be limited to the right to pass and repass over the entire length of said Easement at all times, and from any point along said Easement to and from the land of Lynch, including the right to pass and re-pass over the "Existing Paved Access Road" as shown on the Subdivision plan. The Easement includes the right of use of said Easement by any and all trucks, vehicles and equipment at any time and without limitation. There is also included in this grant the right to the use of the area shown on the Subdivision plan as "Temporary Turnaround" if and when the use of such turnaround by Lynch may become necessary or convenient for the exercise of the easement rights herein granted. It is agreed and understood between the Town and Lynch, that Lynch will reconstruct the first two - hundred (200') feet of the "Existing Paved Access Road" shown on the Subdivision Plan, and that Lynch will also have the right, but not the obligation to maintain, repair, and improve any other portion of the Easement, whenever such repairs may be necessary or convenient to the exercise of the rights granted herein.

For Grantor's title see:

Instruments of Taking recorded at Barnstable County Registry of Deeds Book 11031 pages 135 – 136. Judgment of the Land Court recorded at Barnstable County Registry of Deeds Book 18780 Page 319; Judgment of the Land Court recorded at Barnstable County Registry of Deeds Book 19899 Page 282. See also: Certificate of Town Clerk and vote of Annual Town Meeting November 2019 on Article 20 authorizing the Select Board of the town of Falmouth to grant the within easement. (Attached or recorded herewith) For additional rights and provisions relating to this Access Easement and Right of Way, see document entitled: "Grant of Drainage Easement and Designation of Reserved Area" between these parties to be recorded herewith

Commonwealth of Massachusetts

Falmouth ss. _____, 2021

On this the _____ day of _____ 2021, there personally appeared before me, the following members of the Select Board of the Town of Falmouth

whose identities were proved to me through my personal knowledge, and acknowledged that they signed the within document voluntarily as their free act and deed and the free act and deed of the Town of Falmouth and for the purposes stated therein.

Notary Public
My commission expires:

EXHIBIT A

ACCESS EASEMENT AND RIGHT OF WAY

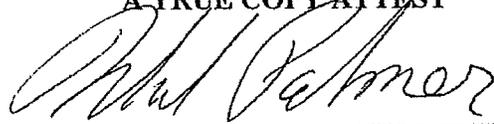
(Attached)

**ARTICLE 20
AND THE VOTE THEREON AT
THE ANNUAL TOWN MEETING
HELD IN FALMOUTH, MASSACHUSETTS
NOVEMBER 14, 2019**

ARTICLE 20: To see if the town will vote to authorize the Board of Selectmen, acting upon a recommendation by the Planning Board, to grant a non-exclusive easement and right of way across a portion of land owned by the Town of Falmouth to Lawrence Lynch Realty Corp., its successors, assigns and lessees as follows: an easement and right-of-way to use a certain roadway or right-of-way presently existing on Lot 1 and Parcel 2 on Locustfield Road (assessors map 23 02 010 001) owned by the town of Falmouth and shown on a plan recorded in the Barnstable registry of deeds in plan book 389 page 21 for the benefit of abutting land owned by Lawrence Lynch Realty Corp. being (1) Parcel A containing 65.89 acres (assessors map 22 02 009 000) and shown on a plan recorded in said Registry in plan book 531 page 37; and (2) Parcel 3 as shown on plan recorded at Barnstable registry in plan book 389 page 21, containing 3.6 acres (assessors map 22 02 01 to 003) said easement for the purpose of providing pedestrian, vehicle, equipment and utility access to the above described Lawrence Lynch Realty Corp. parcels from Locustfield Road, together with a right to improve, repair and maintain the easement and right-of-way, with the town reserving to itself the right to use the easement and right-of-way for all purposes for the benefit of its land, said easement and right of way to be upon such terms and conditions as the Board of Selectmen deem appropriate.
Or do or take any other action on the matter. On Petition of Gerald Lynch.

VOTED: By a declared majority vote, a quorum being present on Thursday, November 14, 2019 the Town voted Article 20 as printed.

A TRUE COPY ATTEST



**MICHAEL PALMER, TOWN CLERK
FALMOUTH, MASSACHUSETTS**

**GRANT OF DRAINAGE EASEMENT AND
DESIGNATION OF RESERVED AREA
LAWRENCE LYNCH REALTY CORP. TO TOWN OF FALMOUTH**

WHEREAS the Planning Board of the town of Falmouth has approved a subdivision of certain land belonging to the town of Falmouth, for purposes of creating and locating a subdivision road located on land of the town of Falmouth which subdivision road is adjacent to land of Lawrence Lynch Realty Corp., and such approval included the grant of certain waivers with respect to such road; and

WHEREAS the approved Subdivision Plan is to be recorded herewith at Barnstable County Registry of Deeds Plan Book Page .; and

WHEREAS the town of Falmouth, acting by and through the Select Board of the Town, has granted to Lawrence Lynch Realty Corp. an Access Easement and Right-of- Way (hereinafter the "Easement") over the entire length of the subdivision road, for the benefit of adjoining land of Lawrence Lynch Realty Corp., which land and Easement are more particularly described in a document entitled: "Access Easement And Right Of Way" which document is recorded herewith at Barnstable County Registry of Deeds at Book Page; and

WHEREAS Lawrence Lynch Realty Corp. is going to make certain improvements to a portion of the "Existing Paved Access Road" (shown on the approved Subdivision Plan, and also shown on the plan attached to the Access Easement and Right of Way) by reconstructing the first two hundred (200') feet of the Subdivision Road; and

WHEREAS the town of Falmouth may, at some future time, make other additional improvements to the remainder of the Subdivision Road by constructing a new asphalt paved road extending beyond the two hundred (200') feet to be reconstructed by Lynch; and

WHEREAS, in connection with the approval of the Subdivision Plan and the planned improvements to the subdivision road, the town has deemed it advisable that there be a "Drainage Easement" on the adjoining land of Lynch adjacent to the improved subdivision road in order to receive, capture and contain potential runoff of surface water from the improved subdivision road; and

WHEREAS at such time as the town may make such improvements, it may be necessary or desirable for the town to have the benefit of the potential use of a portion of the adjoining land of Lawrence Lynch in order to maintain the stability of the town's proposed improvements to the subdivision road in accordance with sound engineering practices:

NOW THEREFORE, in consideration of the foregoing, and in consideration of the terms and conditions of the documents hereinabove referred to, and subject to the terms conditions and provisions set forth below, Lawrence Lynch Realty Corp., does now hereby grant to the town of Falmouth:

Drainage Easement

Lawrence Lynch Realty Corp. Hereby grants to the town of Falmouth an easement in and over that rectangular portion of the land of Lynch designated as “Drainage Easement” on a plan entitled:

“Plan of Road Reconstruction, Drainage Easement and Reserved Area” prepared for Town of Falmouth dated November 10, 2020, a copy of which plan is attached hereto as Exhibit A.

The Drainage Easement is shown on said plan to measure one hundred three (103') feet by forty four (44') feet. The purpose of the drainage easement is to provide a suitable location wherein the town of Falmouth, at its sole cost and expense, may install catch basins, pipes, and other appurtenant drainage facilities which the town deems necessary for purposes of receiving, capturing, collecting, containing surface water runoff from the subdivision road.

The rights granted herein include the right to maintain, repair, replace, and improve the elements which the town has constructed within the easement area, and Lynch shall have no obligation with respect to installation, construction or maintenance of the drainage easement facility. The town of Falmouth and its employees, agents and servants shall enter upon the Drainage Easement at their sole risk and shall indemnify and hold harmless Lynch from any and all loss or damage suffered or sustained by any person in connection with town's activities on the drainage easement.

Reserved Area

Lawrence Lynch Realty Corp. does hereby designate and reserve, for the potential use and benefit by the town of Falmouth, a "Reserved Area" located on the land of Lynch, being twenty (20') feet in width, beginning at southeasterly corner of the Drainage Easement, and then extending along the common boundary line of the land of the town of Falmouth and the land of Lawrence Lynch Realty Corp. to the terminus of the Subdivision road and Access Easement and Right of Way. The Reserved Area is shown on the plan attached as Exhibit A.

The Reserved Area shall be available for certain purposes in the event that the town chooses to improve the subdivision road by the installation of asphalt paving beyond the 200 feet which Lawrence Lynch will install,

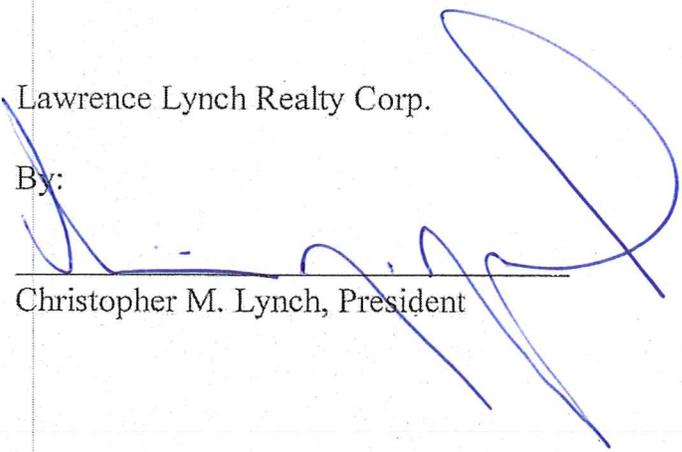
This Reserved Area is to remain in its current condition and elevation, substantially undisturbed and will not be the subject of excavation, digging, or earthmoving activities which would change the existing elevations or interfere with the town's ability to construct a 22' wide asphalt road on the approved subdivision road.

This designation and reservation of land of Lynch for the purpose stated, shall not prohibit Lynch from the right to continue to use, maintain, repair, repave the Existing Paved Access Road which lies within the Reserved Area, provided such activities do not destabilize the land of the town, and interfere with the town's ability to further extend the asphalt paving which Lynch will install and construct on the subdivision road.

Executed as a sealed instrument this 4th Day of Jan. 2020
2021.

Lawrence Lynch Realty Corp.

By:



Christopher M. Lynch, President

Commonwealth of Massachusetts

Barnstable ss.

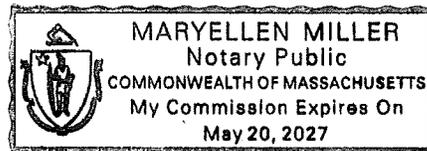
²⁰²¹
~~2020~~

On this the 4th day of January ²⁰²¹~~2020~~ there personally appeared before me, Christopher M. Lynch, President and Treasurer of Lawrence Lynch Realty Corp., whose identity was proved to me through the following satisfactory evidence; my personal knowledge, and acknowledged that he signed the within document voluntarily as his free act and deed and the free act and deed of Lawrence - Lynch Realty Corp. and for the purposes stated therein.

Maryellen Miller

Notary Public

My commission expires:



APPROVAL AND ACCEPTANCE

The within Grant of Drainage Easement and Designation of Reserved Area is approved and accepted by the Select Board of the Town of Falmouth in accordance with Chapter 65 Section 3 of the Code of Falmouth.

Select board of the Town of Falmouth:

Commonwealth of Massachusetts

Falmouth ss. _____, 2021

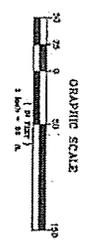
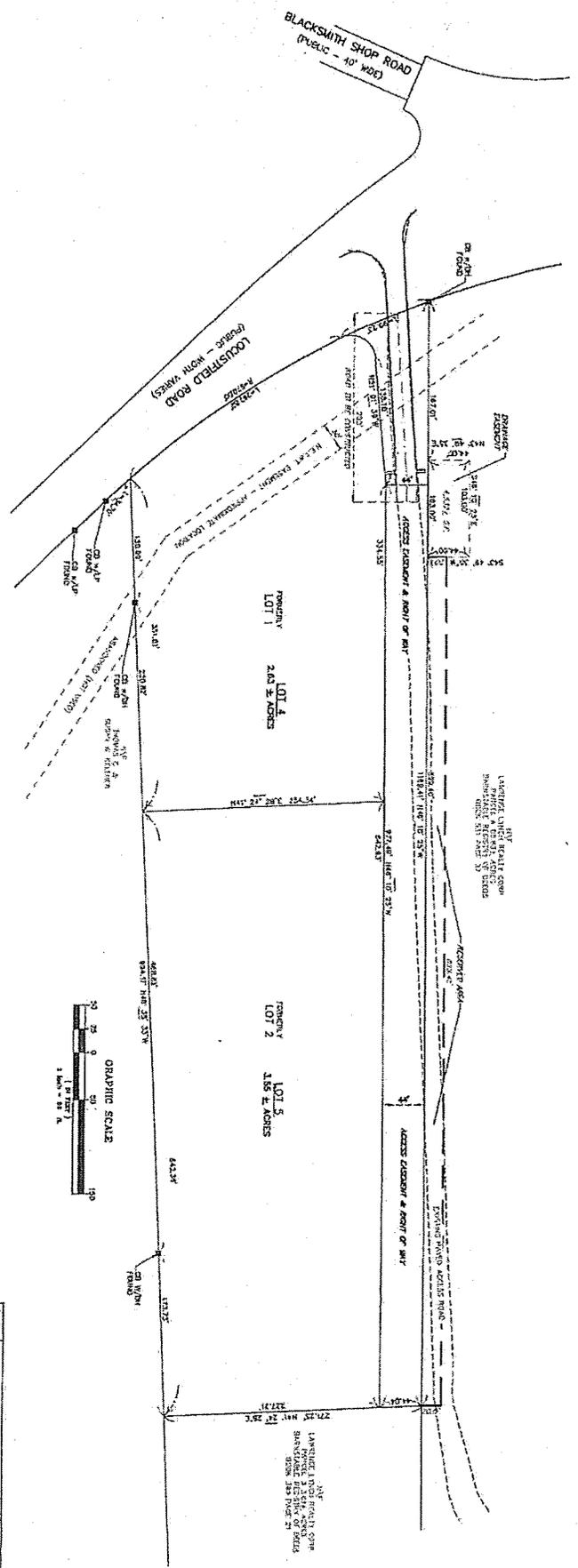
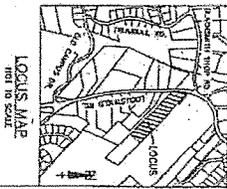
On this the _____ day of _____ 2021, there personally appeared before me, the following members of the Select Board of the Town of Falmouth

whose identities were proved to me through my personal knowledge, and acknowledged that they signed the within document voluntarily as their free act and deed and the free act and deed of the Town of Falmouth and for the purposes stated therein.

Notary Public
My commission expires:

EXHIBIT A
DRAINAGE EASEMENT AND DESIGNATION OF RESERVED AREA

MASS CURVE SYSTEM
BY GEORGE LAYTON - INSTRUMENTAL ROAD



NOTES
1. ACCURACY: HORIZONTAL: ± 1/4" @ 1000 FEET
2. FROM INSTRUMENTAL PLANS X

I hereby certify that the property here shown on this plan was surveyed and the lines of the streets and ways shown are those of record or private streets or ways now shown or to be shown hereafter by order of the Board of Assessors or for the ways are shown.

MICHAEL E. MCGRATH
Registered Professional
Land Surveyor

This survey and plan conform to the provisions of the laws of the Commonwealth in the County of Middlesex, Massachusetts.

MICHAEL E. MCGRATH
Registered Professional
Land Surveyor

I certify that this plan was made in accordance with the rules and regulations of the Registrar of Deeds.

MICHAEL E. MCGRATH
Registered Professional
Land Surveyor

DATE	DESCRIPTION	BY
12-15-2023	REVISIONS	BM/BK/BC
12-15-2023	PLAN EXHIBIT & RECORD MAP	BM/BK/BC
12-15-2023	TOWN OF FALMOUTH	BM/BK/BC
12-15-2023	FALMOUTH, MA	BM/BK/BC

SCALE: 1" = 50'

DATE: NOVEMBER 15, 2023

MICHAEL E. MCGRATH
Registered Professional
Land Surveyor

PROJECT: LOT 1, LOT 2, LOT 5
TOWN OF FALMOUTH, MA

SCALE: 1" = 50'

DATE: NOVEMBER 15, 2023

MICHAEL E. MCGRATH
Registered Professional
Land Surveyor

PROJECT: LOT 1, LOT 2, LOT 5
TOWN OF FALMOUTH, MA

BUSINESS

- #2. Discussion/vote affirming site for future new fifth fire station at 860 Sandwich Road

Julian Suso

From: Frank Duffy
Sent: Tuesday, January 26, 2021 3:03 PM
To: Julian Suso
Cc: Peter Johnson-Staub; Thomas Bott; Peter McConarty; Jim McLoughlin; Timothy Smith; Irie Mullin
Subject: Lot 26 Sandwich Road
Attachments: Land Court Plan 23937D (Lot 26 Sandwich Rd.).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Julian: Lot 26 is north of the Unitarian Universalist Church on Sandwich Road. The town purchased the property in 2002 for municipal purposes under the jurisdiction of the Board of Selectmen. Lot 26 contains 14.25 acres. Title is evidenced by Certificate of Title 168975. The land is shown on Land Court Plan 23937-D(sh. 3). The purchase was approved by Art. 11 of the Nov. 2002 ATM. The northerly end is developed for recreation purposes with a ballfield. The southerly end remains undeveloped.

The Planning Board staff has identified the zoning as AGA. Sec. 240-35B of the zoning bylaw permits community service uses including fire stations. It is located in a Coastal Pond Overlay District which is not a prohibition for building a fire station.

The town should consider creating a new lot at the southerly end to create separate identities for a fire station and the recreation purposes to the north. There appears to be adequate frontage on Sandwich Road for this purpose. The Planning Board may endorse an appropriate plan Approval Not Required (ANR). The board's rules require submission of an application and plan endorsed by the owner or authorized agent.

I understand the Engineering Division may have developed a preliminary plan showing a 4.2 +/- acres for this purpose.

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

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Julian Suso

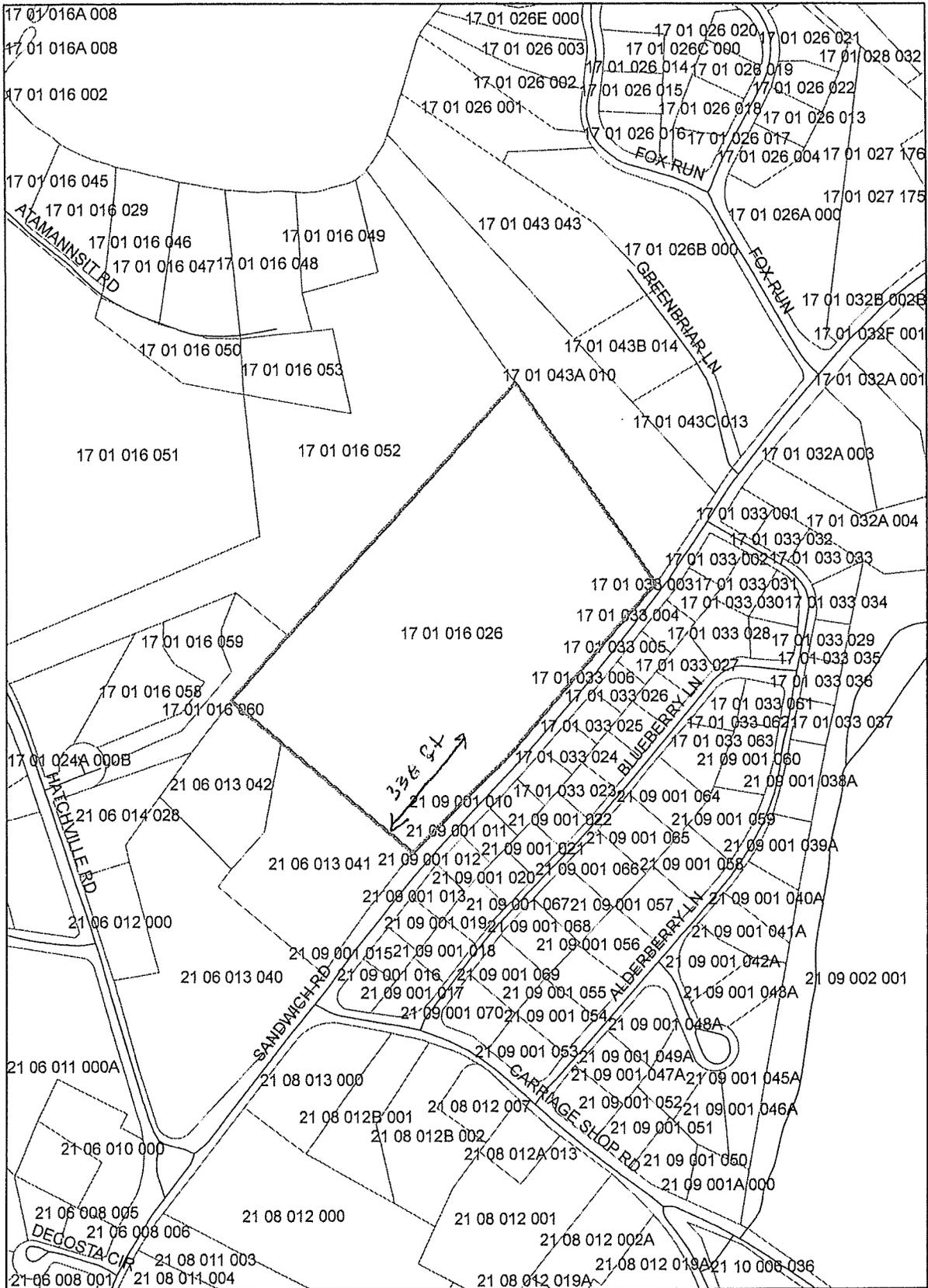
From: Frank Duffy
Sent: Thursday, December 3, 2020 11:21 AM
To: Julian Suso
Cc: Peter Johnson-Staub; Thomas Bott; Peter McConarty; Irie Mullin; Timothy Smith
Subject: RE: Parcel 17 01 043C 013

Julian: We will start investigating Lot 26. It is a 14.25 ac. parcel acquired in 2002 and it is under the jurisdiction of the Board of Selectmen. The northern end has been developed as a baseball field. The southern end remains undeveloped. It appears possible to create a new lot at the southern end by the Approval Not Required (ANR) process to create a separate identity from the recreational use at the northern end. We will look at the title and report back.

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

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

888 SANDWICH RD



ARTICLE 11
AND THE VOTE THEREON
AT THE ANNUAL FALL TOWN MEETING
CONVENED AT FALMOUTH, MASSACHUSETTS
NOVEMBER 18, 2002

ARTICLE 11: That the Town vote to authorize the Board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Commonwealth of Massachusetts for municipal purposes said land to be under the jurisdiction and control of the Board of Selectmen and being described as follows:

The Land on Sandwich Road in said Falmouth containing 14.25 acres more or less, being Lot 26 shown on Land Court Plan 23937 D (sheet 3 of 5) now or formerly owned by Paul R. Dupee, Jr. (Land Court Certificate of Title No. 128879).

And further to appropriate a sum of money for the acquisition of the foregoing land, including costs incidental and related thereto, and further authorize the Board of Selectmen or its designee to accept any further gifts of property, real, personal or otherwise in relation to the foregoing acquisition and to enter into any agreements and to execute all documents it deems advantageous on behalf of the Town, for partial or full reimbursements of all costs of acquisition and to determine how the same be raised, including borrowing said sum or any part thereof pursuant to Chapter 44, Section 7 (3) of the Massachusetts General Laws, or any other enabling authority and to issue bonds or notes of the Town therefore, and by whom expended. Or do or take any other action in this matter. On request of the Board of Selectmen.

VOTED: By the necessary two-thirds majority so declared by the Town Moderator, a quorum being present on Monday, November 18, 2002, that the Town does authorize the board of Selectmen to PURCHASE OR TAKE BY EMINENT DOMAIN land in Falmouth, Barnstable County, Commonwealth of Massachusetts for municipal purposes said land to be under the jurisdiction and control of the Board of Selectmen and being described as follows:

The land on Sandwich Road in said Falmouth containing 14.25 acres more or less, being Lot 26 shown on Land Court Plan 23937 D (sheet 3 of 5) now or formerly owned by Paul R. Dupee, Jr. (Land Court Certificate of Title No. 128879).

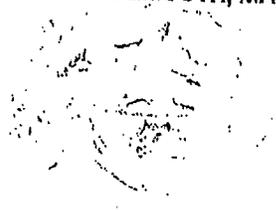
To acquire said land the Town Treasurer with the approval of the Board of Selectmen, is authorized to borrow the sum of One Million Five Thousand (\$1,005,000.00) Dollars under the provisions of General Laws Chapter 44, Section 7 (3) or any other appropriate authority and to issue bonds or notes of the Town therefore said sum to be expended under the jurisdiction of the Board of Selectmen for the purposes of this article

A TRUE COPY ATTEST,

Bonnie Pena-Andrade

Bonnie Pena-Andrade, Town Clerk
FALMOUTH, MASSACHUSETTS

BARNSTABLE REGISTRY OF DEEDS



QUITCLAIM DEED

Address of Premises: Lot 26, Sandwich Road, East Falmouth, MA

I, PAUL R. DUPEE, JR., of London, England,

for consideration of ONE MILLION DOLLARS (\$1,000,000.00) paid,

grant to the TOWN OF FALMOUTH, a municipal corporation, having an address of 59 Town Hall Square, Falmouth, Massachusetts, under the jurisdiction of the Board of Selectmen

with QUITCLAIM COVENANTS,

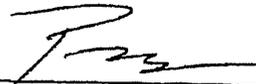
the land in East Falmouth (Hatchville), Barnstable County, Massachusetts, further described as follows:

Lot 26, Land Court Plan 23937-D (Sheet 3)

Said parcel consisting of approximately 14.25 acres, more or less.

For title, see Certificate of Title No. 128879.

Executed as a sealed instrument this 9th day of October, 2002.



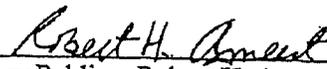
PAUL R. DUPEE, JR.

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

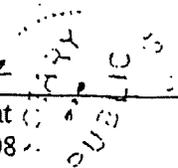
October 9, 2002

Then personally appeared the above named PAUL R. DUPEE, JR. and acknowledged the foregoing instrument to be his free act and deed, before me,



Notary Public - Robert H. Ament

My commission expires: 10/24/08



AMENT & AMENT
TOWN HALL SQUARE
DRAWER 919
FALMOUTH, MA 02541

M:\eanno\A&A\dupee\sale to town\2002\lot26.deed.doc

Sal... *AK* *23937-D (Sheet 3)*

#3. Discuss format for upcoming April Town Meeting

TOWN OF FALMOUTH



DAVID T. VIEIRA
Moderator

Falmouth Select Board
59 Town Hall Square
Falmouth, MA 02540

28 January 2021

Dear Falmouth Select Board Members,

In view of the ongoing COVID-19 pandemic and the federal, state, and local advisories to practice social distancing and avoid the congregation of crowds; I request approval to conduct Falmouth's Spring Annual Town Meeting, scheduled to convene on April 12, 2021 through remote participation. I propose to use the Zoom videoconferencing platform with a telephone call in audio only option like we did for the January 25, 2021 Fall Annual Town Meeting.

I certify that, with the assistance of the town clerk, town administration, town finance department, town IT department, and a group of town meeting members, I have tested all components of the system described above and am satisfied that this system will enable our meetings to be conducted in substantially the same manner as if they had occurred in person at a physical location.

I certify that the system: (i) allows the moderator, town meeting members, town officials and any other interested members of the public to identify and hear the moderator and each town meeting member who attends and participates in the remote meeting, as well as any other individuals who participate in the meeting; (ii) provides the ability to determine whether a quorum is present; (iii) allows participants to request recognition by the moderator; (iv) allows the moderator to determine when a town meeting member wishes to be recognized to speak, make a motion, or raise a point of order or personal privilege; (v) enables the moderator to recognize a town meeting member, town official or other individual and enable that person to speak; (vi) provides the ability to conduct a roll call or electronically recorded vote; (vii) allows any interested members of the public to access the meeting remotely through Falmouth Community Television (FCTV) for purposes of witnessing the deliberations and actions taken at the town meeting; (viii) allows members of the public to participate in debate after notifying the town clerk 48 hours in advance of the meeting; and (ix) provides for the town meeting to be recorded and available for future viewing.

I further confirm that I have consulted with Falmouth's coordinator for federal Americans with Disabilities Act compliance regarding system accessibility. I appreciate your consideration of this request. Please do not hesitate to contact me if you have any questions.

Sincerely,

David T. Vieira
Falmouth Town Moderator

#4. Vote Articles and Execute Warrant for April 2021 Annual Town Meeting



APRIL 2021 ANNUAL TOWN MEETING

Selectmen Announce Annual Town Meeting.....	Monday, December 7, 2020
Close Warrant.....	Friday, January 15, 2021
Selectmen Vote Articles & Execute Warrant	Monday, February 1, 2021
Publish Articles Only	Friday, February 12, 2021
Presentation on Petition Articles.....	Monday, February 22, 2021
Selectmen Vote Recommendations	Monday, March 8, 2021
Publish Warrant with Recommendations and Mail Warrant Booklets.....	Friday, March 26, 2021
Town Meeting	Monday, April 12, 2021



Warrant for the Annual Town Meeting
Monday, April 12, 2021
TOWN OF FALMOUTH
Select Board

BARNSTABLE, SS. To the Constables of the Town of Falmouth

GREETINGS:

In the name of the Commonwealth, you are hereby directed to notify and summons the inhabitants of the Town of Falmouth who are qualified to vote in Town Affairs to meet virtually (AKA remotely) via Zoom teleconference on Monday, April 12, 2021 at 7:00 p.m. for the purpose of acting on the Town Meeting articles of attached warrant:

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

Given under our hands this 1st day of February, 2021.

Megan E. English Braga, Chair

Douglas C. Brown, Vice Chair

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor

FALMOUTH SELECT BOARD

Barnstable, SS.

Falmouth, MA

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

Constable, Town of Falmouth

Date

**WARRANT FOR THE APRIL ANNUAL TOWN MEETING
MONDAY, APRIL 12, 2021 AT 7:00 p.m.**

For action on articles in the Warrant

COMMONWEALTH OF MASSACHUSETTS

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

In the name of the Commonwealth of Massachusetts you are directed to notify and summon the inhabitants of the Town of Falmouth qualified to vote in Town Affairs to meet virtually (AKA remotely) via Zoom teleconference, Monday, April 12, 2021 at 7:00 p.m. for the purpose of acting on the articles contained in the following warrant:

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

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

ARTICLE 3: To see if the Town will vote to fix the salaries of the Elected Officials as follows:

Moderator	-----	\$1,500
Town Clerk	-----	\$98,260
Select Board	-----	\$5,000
Chair of Select Board	-----	\$6,000

And further, the Town Clerk is authorized to receive a Cost of Living Adjustment on the same terms and conditions of Technical Administrative and Management (TAM) employees. Or do or take any other action in the matter. On request of the Select Board.

ARTICLE 4: To see if the Town will vote to appropriate such sums of money as may be deemed necessary to defray the Town's expenses for Fiscal Year 2022 and to determine how the same shall be raised and by whom expended. Or do or take any other action on this matter. On request of the Select Board.

ARTICLE 5: To see if the Town will vote to appropriate a sum of money to the Capital Improvement Stabilization Fund for the purpose of funding future capital improvements, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 6: To see if the Town will vote to appropriate a sum of money to the Other Post-Employment Benefits Trust Fund for further appropriation and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 7: To see if the Town will vote to appropriate a sum of money for the purpose of wage settlements to employees of the Town, and to determine how the same shall be raised. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 8: To see if the Town will vote to transfer a sum of money within the FY 2021 budget approved by Article 6 of the April 8, 2019 Annual Town Meeting to make necessary adjustments thereto. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 9: To see if the Town will vote to appropriate a sum of money to supplement the FY 2021 budget approved by Article 8 of the April 13, 2020 Annual Town Meeting, to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On request of the Select Board.

ARTICLE 10: To see if the Town will vote to authorize continued use of the following Revolving Funds for certain Town departments under MGL Chapter 44, Sec. 53E½ for the fiscal year beginning July 1, 2021, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year as follows:

Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY22 Spending Limit	Disposition of FY21 Fund Balance
Emerald House	Tow n Manager	Payments in Lieu of Rent	Maintenance of Building	\$28,000	Available for expenditure
Recreation Department	Recreation Director	Participation Fees	Departmental Special Activities	\$40,000	Available for expenditure
Historical Commission	Historical Commission	Sale of Books	Administer Book Program	\$7,500	Available for expenditure
Shellfish Propagation	Conservation Commission	Mitigation and Donations	Purchase Shellfish Seed	\$13,000	Available for expenditure
Shellfish and Aquaculture	Marine and Environ Srvcs	Rental Equipment	Propagation and Aquaculture	\$45,000	Available for expenditure
Senior Services	Senior Services Director	Fees	Activities	\$60,000	Available for expenditure
TOTAL SPENDING				\$193,500	

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

ARTICLE 11: To see if the Town will vote to appropriate a sum of money for the purposes of funding Project Management, Design and Construction of a new Fire Station located on Sandwich Road, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 12: To see if the Town will vote to appropriate a sum of money for the purposes of funding a renovation of the Police Station, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 13: To see if the Town will vote to appropriate a sum of money for the purpose of funding COVID related expenses, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 14: To see if the Town will vote to appropriate a sum of money for the purpose of entering into leases for downtown parking, and any other costs incidental and related thereto, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 15: To see if the Town will vote to appropriate a sum of money for the purpose of acquiring an online permitting software, and to determine how the same shall be raised and by whom expended. Or do or take any other action on the matter. On Request of the Select Board.

ARTICLE 16: To see if the Town will appropriate a sum of money for the purpose of funding completion of the review and recodification of the zoning bylaw and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 17: To see if the Town will vote to adopt a bylaw and amend the Code of Falmouth by adding Article VII, Ch. 65, s. 16, Promulgation of Regulations, as follows:

ARTICLE VII

Promulgation of Regulations

S. 65-16. Authority to promulgate regulations.

A. Background. The Falmouth Home Rule Charter as amended by Article 28 of the November, 2019 Annual Town Meeting and affirmed by vote of the Town on Question Seven on the ballot of the May, 2020 Annual Town Election added Article III, Sec. C3-7H which provides as follows: H. The Board shall have the power and authority, after public hearing and publication, to adopt rules and regulations for the conducting of town business, the use of town real and personal property and other matters within its jurisdiction and set the penalties for violations thereof.

B. A rule or regulation may be initiated by vote of the Select Board acting on its own initiative or by request or recommendation of the Town Manager, a department head, a duly organized governmental body of the Town or by petition filed with the Town Clerk bearing the verified signatures of at least ten (10) registered voters of the Town.

C. The Select Board shall submit the proposed rule or regulation to the department head of any department or chairperson of any governmental body affected by the proposed rule or regulation for comment and recommendation to be returned within thirty (30) days and the Select Board may submit the proposed rule or regulation to the Town Counsel for legal analysis, comment and recommended language or conditions.

D. The Select Board shall hold a public hearing on the proposed rule or regulation and notice of the hearing shall be published in a newspaper of general circulation in the town and noticed on the town's website at least fourteen (14) days before the first day of the scheduled hearing. The notice of hearing shall inform the public that the text of the proposed rule or regulation may be read and examined on the town's website or at the Town Clerk's office during regular business hours. The board may amend the proposed rule or regulation to conform to comments or recommendations received. The public hearing may be continued from time to time at the discretion of the board.

E. The Select Board shall vote to adopt the proposed rule or regulation at an open meeting of the board and the rule or regulation so adopted shall take effect upon its adoption and filing a copy of the vote with the Town Clerk.

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

ARTICLE 18: To see if the Town will vote to amend the Zoning Bylaw Article XXXIX – Site Plan Review - by replacing § 240-192 Applicability so that the revised section will read:

Any new development, redevelopment or expansion in use, other than one single-family or one two-family residence on a lot which would add 500 square feet or more of gross floor area or roof area or which would, under the parking schedule Table of Minimum Requirements of § 240-108, require a total of two (2) or more parking spaces based on the existing, redevelopment and/or new development, or require a change to the layout or location of two (2) or more parking spaces, an increase in pavement of more than 300 square feet, or the alteration of any driveway; or any change of use which would, under the parking schedule Table of Minimum Requirements of § 240-108, require two (2) or more parking spaces based only on new development; grading or clearing more than ten percent (10%) of a lot, except for: landscaping on a lot with an existing structure or a proposed single or two family dwelling; clearing necessary for percolation and other site tests, work incidental to agricultural activity, work in conjunction with an approved subdivision plan; an

accessory apartment allowed as a matter of right or special permit shall be permitted only upon the approval of the Planning Board for site plan review.

A. Administrative Approval for Minor Alteration to Building Exterior or Site: Town Planner may authorize work to proceed without Site Plan Review for minor alterations provided the following criteria are satisfied:

- (1) The proposed alteration shall not violate any provision of this Bylaw.
- (2) The proposed alteration does not result in an expansion of the building footprint other than those required by the building code related to means of egress or accessibility.
- (3) The proposed alteration does not change the height or roof lines of any building.
- (4) The proposal does not result in any substantial change in lot coverage.

B. Waived Requirements: The Board may waive, by an affirmative majority vote, any of the following requirements, if it believes that the strict compliance with these rules and regulations will, because of the size or special nature of the proposed development, create an undue hardship on the Applicant and not be in the public interest. Any waiver(s) requested by the Applicant shall be submitted in writing by the Applicant with the submission of the Site Plan Review application.

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

ARTICLE 19: To see if the Town will vote to amend the Zoning Bylaw Article XXXIX – Site Plan Review - by amending § 240-198 Lapse of Decision to extend the period by one year by replacing the words “two years” with “three years” to read:

A site plan review decision issued under this Article shall lapse three years from the date it is granted if a substantial use thereof has not sooner commenced except for good cause. The determination of good cause shall be made by the Planning Board.

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

ARTICLE 20: To see if the Town will vote to amend the Official Zoning Map to remove text box of footnotes 1 through 8 and add reference to all existing Zoning Overlay Districts (including Accident Prevention, Wildlife Corridor, and Large Scale Ground Mounted Solar) to remove inconsistencies with both the online Zoning Map and the hard copies available for purchase through the Town Clerk's Office. No properties will be rezoned as a product of the proposed map amendments. Or do or take any other action on this matter. On request of the Planning Board.

ARTICLE 21: To see if the Town will vote to amend Zoning Bylaw Article XLVIII as follows:

1). to Section 240-254B. add subparagraph (4) to read, “The Planning Board may allow reduced setbacks where the lot abuts, or is separated by a street from, permanently conserved open space or land in common ownership or control of the applicant. Within any no-disturb zone, the Planning board may allow landscaping and other screening.”

2). Revise Section 240-254D.(1) to read, “Not more than two acres or twenty percent (20%) of the lot, whichever is greater, shall be deforested for any one ground-mounted solar photovoltaic installation, and no such installation shall be placed on such land that was deforested within the prior five years. For any deforestation allowed in excess of two acres, the Planning Board may require mitigation, such as the permanent conservation of open space, on or off-site, of up to an area equal to such excess, which may include reforestation.”

3). Revise Section 240-254D.(2) to read, “Land clearing in excess of twenty percent (20%) of the lot in connection with any single installation is prohibited. Article XXIX (Earthmoving Regulations) shall not be applicable to large-scale ground-mounted solar installations.”

On petition of Konrad Hughen.

ARTICLE 22: To see if the Town will vote to amend the Official Zoning Map of the Town of Falmouth to include the following parcels in the Large-Scale Ground-Mounted Solar Overlay District; (i) Assessor's Parcel 10 03 001 163, known as 41 Theatre Drive and containing approximately 45.06 acres; (ii) Assessor's Parcel 10 04 007 035, known as 0 Boxberry Hill Road and containing approximately 41.49 acres; (iii) Assessor's Parcel 17 01 028 039, known as 48 Theatre Drive and containing approximately 48.65 acres; (iv) Assessor's Parcel 17 01 028A 015, known as 59 Theatre Drive and containing approximately 3.39 acres; (v) that portion of the private way known as Theatre Drive which lies to the north and northwest of the westerly property line of Assessor's Parcel 17 01 028 134 (20 Theatre Drive), including, without limitation, the cul-de-sac and all parking areas within the bounds of Theatre Drive described herein; (vi) Assessor's Parcel 10 03 001A 161, known as 290 Boxberry Hill Road and containing approximately 1.56 acres; (vii) Assessor's Parcel 10 03 001 162, known as 0 Boxberry Hill Road and containing approximately 1.08 acres and (viii) Assessor's Parcel 10 03 001 160, known as 0 Boxberry Hill Road and containing approximately 0.68 acres. Or do or take any other action on this matter. On petition of Konrad Huguen.

ARTICLE 23: To see if the Town will vote to accept the doings of the Select Board in the laying out of Winthrop Drive (east side) from Seacoasts Shores Blvd. to Edgewater Drive East a distance of 726 ft. and width of 40 ft. according to plans on file with the Town Clerk for taking as a public way under the Betterment Act, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 24: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN a permanent easement consisting of a small strip of land containing 173 sq. ft. +/- along the frontage of property at 241 Scranton Ave. and shown as parcel 47C 05 019 001 on the Falmouth Assessors' maps, and further described in a deed recorded in the Barnstable Registry of Deeds in Book 9734, Page 14, now or formerly owned by Harbor Side Realty Trust, to eliminate an encroachment caused by previous surveying errors and properly align the sidewalk with the layout of Scranton Ave. to comply with the Americans With Disabilities Act, and further to appropriate a sum of money for the acquisition of such property interest, including costs incidental and related thereto, to be expended under the jurisdiction of the Select Board which shall further have the authority to enter into agreements and execute any instruments as may be necessary on behalf of the Town to effect the purposes of this article, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 25: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN easements on a parcel of land known as 20 Village Common Drive being shown as parcel 34 06 024 002A on the Falmouth Assessors' maps, now or formerly owned by Village Common Properties, LLC. Said easements will be for sewer purposes associated with the proposed Teaticket Acapesket Sewer Service Area, as follows: 1) an 8,000 sq. ft. +/- permanent easement, rectangular in shape, being a portion of Lot 2A as shown on a plan recorded in the Barnstable Registry of Deeds in Plan Book 506, Page 58 and more commonly known as 20 Village Common Drive, for the site of a sewer lift station and appurtenant structures, said easement to be in the southwesterly corner of Lot 2A where the common lot line with Lot 3A and Village Common Drive converge; 2) a 5,000 sq. ft. +/- temporary construction easement of one year duration to be determined to coincide with construction of the lift station and being an area immediately adjacent to and surrounding the permanent easement described in 1) above; 3) a 2,600 sq. ft. +/- permanent easement for sewer pipes, manholes and appurtenant structures consisting of a strip of land 20 ft. wide beginning at the rear lot line of Lot 2A and running in a generally westerly direction parallel to and 5 feet north of the common lot line with Lot 3A to the permanent easement described in 1) above; and 4) a 1,300 sq. ft. +/- temporary construction easement of one year duration to be determined to coincide with construction of the sewer lines and being two strips of land each 5 ft. wide along the northerly and southerly sides of the permanent easement described in 3) above; and further to appropriate a sum of money for the acquisition of said easements, including costs incidental and related thereto, said sum to be expended under the jurisdiction of the Select Board which shall have the authority to enter into any agreements and execute any instruments as may be necessary

on behalf of the Town to effect the purposes of this article, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 26: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN easements on a parcel of land known as 28 Village Common Drive being shown as Parcel 34 06 024 003A on the Falmouth Assessors' maps, now or formerly owned by Village Common Drive, LLC. Said easements will be for sewer purposes associated with the proposed, Teaticket Acapesket Sewer Service Area, as follows: 1) a 7,000 sq. ft. +/- permanent easement, rectangular in shape, being a portion of Lot 3A as shown on a plan recorded in the Barnstable County Registry of Deeds in Plan Book 506, Page 58 and more commonly known as 28 Village Common Drive, for the site of a sewer lift station and appurtenant structures, said easement area to be in the southwest corner of Lot 3A near the terminus of Village Common Drive; 2) a 4,000 sq. ft. +/- temporary construction easement of one year duration to be determined to coincide with construction of the lift station and being an area immediately adjacent to and surrounding the permanent easement described above; 3) a 3,500 sq. ft. +/- permanent easement for sewer pipes, manholes and appurtenant structures consisting of a strip of land 20 ft. wide beginning at the lot line at Estrella Drive and running in a generally northwesterly direction to the lot line at the turn out at the terminus of Village Common Drive; and 4) a 1,750 sq. ft. +/- temporary construction easement of one year duration to be determined to coincide with construction of the sewer lines and being two strips of land each 5 ft. wide along the northerly and southerly sides of the permanent easement described in 3) above; and further to appropriate a sum of money for the acquisition of said easements, including costs incidental and related thereto, said sum to be expended under the jurisdiction of the Select Board which shall further have the authority to enter into any agreements and execute any instruments as may be necessary on behalf of the Town to effect the purposes of his article, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 27: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN easements on a parcel abutting St. Marks Road being shown as parcel 34 04 013 004 on the Falmouth Assessors' maps, now or formerly owned by Kathleen M McGovern. Said easements will be for sewer purposes associated with the proposed Teaticket Acapesket Sewer Service Area, as follows: 1) a permanent easement of 4,900 sq. ft. +/- for sewer pipes, manholes and appurtenant structures and being approximately 245 ft. long by 20 ft. wide running parallel to and 5 ft. off the southerly property line from St Marks Road to the rear property line; 2) a temporary construction easement of 2,450 sq. ft. +/- of one year duration to be determined to coincide with sewer pipe installation and being two strips of land approximately 245 ft. long by 5 ft. wide on both sides of the permanent easement described above; and further to appropriate a sum of money for the acquisition of said easements, including costs incidental and related thereto, said sum to be expended under the jurisdiction of the Select Board which shall further have the authority to enter into any agreements and execute any instruments as may be necessary on behalf of the Town to effect the purposes of this article, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 28: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN a permanent easement for sewer purposes associated with the proposed Teaticket Acapesket Sewer Service Area as follows: a permanent easement of 4350 sq. ft. +/- for sewer pipes, manholes and appurtenant structures within a portion of the Open Space being parcel 34 06 018 000 on the Falmouth Assessors' maps, and a shown on a plan entitled "Subdivision Plan of Land located in Falmouth, Mass., prepared for Perch Pond Landing Trust", dated April 8, 1986, and recorded in the Barnstable Registry of Deeds in Plan Book 421, Pages 19-21 and further described as a 30 ft. wide strip of land between lots 17 and 22 running from Seabrook Drive easterly to the lot line of the subdivision, all as shown on said plan, being land now or formerly owned by Gile Moniz and being a portion of Parcel V in a deed from David J. Kopp, Trustees et al to Gile Moniz, dated January 29, 1988 and recorded in the Barnstable County Registry of Deeds in Book 6147, Page 296; and further to appropriate a sum of money for the acquisition of said easement, including costs incidental and related thereto, said sum to be expended under the jurisdiction of the Select Board which shall further have the authority to enter into any agreements and execute any instruments as may be necessary on behalf of the Town to effect the purposes of this article, or do or take any other action on the matter. On request of the Select Board.

ARTICLE 29: To see if the Town will vote to accept the provision of General Laws Chapter 90 Section 18B allowing the Board of Selectmen or Traffic Advisory Committee in the interest of public safety to establish designated Safety Zones at or near any way in Town which is not a state highway as a safety zone posted as having a speed limit of 20 miles per hour. On petition of the Quissett Association Inc.

ARTICLE 30: To see if the Town will vote to replace the holiday "Christopher Columbus Day" on the second Monday of October with "Indigenous Peoples Day;" or take any other action relating thereto. On petition of Sandra Faiman-Silva.

ARTICLE 31: To see if the Town will advise the Board of Selectmen to create a Domestic Partnership By-law for the Town of Falmouth, Massachusetts. Or do or take any action on the matter. On petition of Ronald D. Zweig.

ARTICLE 32: To see if the Town will vote to institute a town-wide Policy whereby a statement shall be made at the beginning of each public meeting of Falmouth Town Meeting, Town Boards and Committees, public events at Falmouth Public Schools, including graduation, and at other public Town gatherings as appropriate, to respectfully acknowledge that the Town of Falmouth is the traditional, ancestral homeland of the Mashpee Wampanoag Tribe, who have inhabited and been custodians of this land, viewed as their sacred homeland, for at least 12,000 years; and take any additional action pertaining thereto. On petition of Sandra Faiman-Silva.

ARTICLE 33: To see if the Town will vote to create a Select Board Taskforce on Sustainable Living for Falmouth's Workforce Families and to fund a Family Early Education & Childcare Support Voucher Program. The Taskforce will seek solutions to the lack of affordable early education and childcare, the need for affordable workforce housing, sustainable living-wage jobs, and other issues related to sustaining viability for working families in Falmouth. Also, to raise and appropriate, or transfer from available funds, the sum of \$75,000 for the purposes of funding a Family Early Education & Childcare Support Voucher Program for Falmouth residents, which will provide funding to Falmouth families facing crisis in accessing and paying for Early Education and Childcare, or to take any other action related thereto. On petition of Patricia Oshman.

ARTICLE 34: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to rehabilitate two tennis courts and one tennis backboard at Bell Tower Tennis Courts located at 1 Bell Tower Lane, Woods Hole; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 35: To see if the Town will vote to authorize the Select Board to PURCHASE OR TAKE BY EMINENT DOMAIN a conservation restriction, restricting in perpetuity in accordance with G.L. c. 184, ss. 31 – 33, on all or a portion of land in Falmouth, Barnstable County, Massachusetts, now or formerly owned by Florence Sylvia on Millstone Road in North Falmouth, being three parcels of vacant land together containing 9.31 acres as further described in a deed from Gerald W. Sylvia to The 300 Committee Land Trust, Inc., dated March 3, 2020, and recorded in the Barnstable County Registry of Deeds in Book 32735, Page 281 [Map 12 05 014A 000B and 12 05 014B 000B], said conservation restriction to be administered by the Conservation Commission for open space and passive recreational purposes and such other uses as may be permitted under conservation restrictions, the form of which shall be determined by the Conservation Commission and approved by the Select Board; and further to appropriate the sum of Two Hundred Thousand (\$200,000.00) Dollars from the Community Preservation Fund for the purposes of this article to be expended under the jurisdiction of the Select Board and subject to all necessary statutory and regulatory approvals. Or do or take any other action on this matter. On request of the Community Preservation Committee.

ARTICLE 36: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to the Falmouth Affordable Housing Fund, and to determine how the same shall be raised and by whom expended, or do or take any other action on the matter. On the request of the Community Preservation Committee.

ARTICLE 37: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the administrative expenses of the Community Preservation Committee; and to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

ARTICLE 38: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to fund the Budgeted Reserve; and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Community Preservation Committee.

ARTICLE 39: To see if the Town will vote to transfer a sum of money from the Community Preservation Fund to the Historic Preservation Reserve, and to determine how the same shall be raised, or do or take any other action on the matter. On request of the Community Preservation Committee.

ARTICLE 40: To see if the Town will vote to appropriate or transfer from the Community Preservation Fund a sum of money to make capital improvements to Guv Fuller Field; to determine how the same shall be raised and by whom expended, or do or take any action on the matter. On request of the Community Preservation Committee.

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

Given under our hand this 1st day of February in the year of our Lord Two Thousand Twenty One.

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

#5. Approve 2021 Annual License Renewals:

Common Victualler

The Buffalo Jump, 277 Hatchville Road, East Falmouth

COMMON VICTUALLER

The Buffalo Jump, 277 Hatchville Road, East Falmouth

#6. Vote to approve minutes of meetings:

- Public Session – December 7, 2020; January 4, 2021 and January 25, 2021

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
MONDAY, JANUARY 4, 2021
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 January 4, 2021 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.falmouthma.gov/BOS>.*
 - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
4. *Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.*

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

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

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

Mr. Patterson noted Chief Dunne was elected to President of the MA Association of Police Chiefs.

Mr. Brown recognized those working in the healthcare field at this time and what they are dealing with, along with the families affected.

Ms. Taylor recognized the teachers and students.

Mr. Patterson recognized teachers who have been exposed to COVID-19 and reported to the administration along with those filling substitute positions.
4. Announcements

Mr. Suso announced the upcoming virtual precinct meetings, working towards the 1/25/21 virtual Town Meeting. Town Meeting Members have received communications regarding this process. Town Meeting

members will receive an email announcing the two precinct meetings on 1/7/21 and 1/13/21 at 7pm, preregistration is required.

5. Public Comment

Jessica Writenour, Outreach Committee, What is the Climate Emergency beginning 1/13/21-2/3/21 to build consensus and common understanding of the planet. Meetings on Zoom, open to all, registration through sboutreach@gmail.com. More information on St. Barnabas website.

BUSINESS

1. Discussion/Update on COVID-19 Issues

Scott McGann reviewed the Covid-19 cases as of this morning, 730 cases since the pandemic began. 51 cases over the last week, about 100 active cases. VNA and CTC has added staff, and both are conducting contract tracing. Reviewed the chart, we are higher than we have ever been. Most cases from gatherings, community spread is happening. Schools going remote for some time after the holidays was to help limit spread. We are doing about half the incidents rates of the State. Much higher volume of work with the number of cases. County cases continue on the rise, hospitalizations 44, 9 ICU relatively close to what we were in April 2020. The public needs to think about what everyone is doing, reflatten the curve, limit travel and exposure.

Covid-19 vaccinations are currently in Phase One, the Health Department's role is not clearly defined, people are calling about when they can get the vaccine from the Health Dept. The State has said the Health Department will not be a depot, they will take care of the emergency services. Sandwich Fire Department will have an opportunity starting next week for their vaccinations. Vaccine clinics will be done by the Health Department, but they do not know the plan details. The State is developing software program for scheduling, that program has not been fully developed yet. When the time comes, the Health Department will advertise. The Health Dept has an emergency dispensing site set up and he has an emergency vaccination site, this will be a longer time frame, possibly need a standing clinic open for 2-3 months and will work on that this week. Prefer a drive through, first dose does not give immunity. When is not known at this time. Please do not call to schedule, we are not at that point, and the plan is not known at this time. Medical personnel that may want to volunteer may call the Medical Reserve Corps.

Mr. McGann described what he anticipates the plan will be for vaccinations, register, advertise, online and phone registration. Announcement will be made as it comes in and follow the State's direction when told to do it. It will be posted on the Town website. He expects there will be enough hypodermic syringes, there may be early demand. All the supplies are all an issue. Public Health Nurse has been hired by the Health Department.

2. Presentation of Proposed Fiscal Year 2022 Budget

Jennifer Mullen made a PowerPoint presentation. The FY2021 Financial Update was provided, reviewed last January budget presented: COVID-19 was not an issue. The FY2021 budget voted was different than what was presented in January. We are in good shape for the fiscal year we are in, however there is a lot we do not know about what will occur in FY2022. A projected 8.5% decrease in State aid is expected. On 1/25/21, the Capital Plan will be voted. An economic recovery is projected in FY2022, with an increase in local receipts, but a decrease in State aid. The Reserve Fund Balance Policy: will resume funding capital stabilization fund and other post-employment benefits trust fund in FY2022. Revenues and expenses were reviewed, tonight talking about the operating budget-what makes the Town run. The budget book has the Revenue Policy, the four revenue sources were reviewed, majority of revenues are from property taxes. Estimated Local Receipts were described, not too much of a slowdown in motor vehicle excise, small decline in some department revenues, and building permits have been up. Investment income has been down. Local estimated receipts were significantly decreased in 2021. FY2022 budget, only a small amount of debt stabilization funds will need to be used. Property taxes estimated new growth at \$700,000.

Budget Increases were reviewed. Full time clerk in the Town Clerk's Office needs to be included. The Housing Coordinator position will be in the budget. The Town and School Department will each fund a Half Time Diversity Officer. Two police officers, two firefighters, and adjusted wage schedule for AFSCME and seasonal employees are included as well.

Mr. Jones noted changes, level funding overtime in departments, Ms. Mullen feels we can do that. Golf revenue, it is up but no changes in the estimated income and why? Ms. Mullen noted one payment that was a lot higher than we thought; this is being used to pay off the debt. Budget for Fire and Rescue

recommended and requested are the same number, overview pages the numbers are different, detail is the same number. Ms. Mullen noted through budget meetings with departments, they may request something and then change their request. Ms. Mullen will review that. They reduced to the recommended, but the overview did not adjust.

Mr. Patterson noted the detail of FY2022 budget, the 24% increase in Town Manager/Selectmen Budget and the jump is in salaries. Why is that? According to Ms. Mullen, those are the half diversity officer of \$42,000 and Housing Coordinator because it is no longer funded through the Affordable Housing Fund.

Mr. Brown asked about payment in lieu of taxes? SSA does not pay it, they say they cannot do it. It is just the embarkation fees, which is a pass through that customers ultimately pay

The debt for the FHS payoff is in separate categories because the treasurer issued the debt and bonded it at different times.

Mr. Suso noted the proposed 2022 budget, includes Town Manager's Budget Message, a summary of the pages that follow it. Described the process forward regarding the budget. This information is on the Town website for those with questions on this proposal.

Ms. Taylor asked about money out of the Special Education stabilization fund for the Schools, we do not know that number. If the money is taken out, will it be able to be replenished at some point? Ms. Mullen said they hope to and hope to put more money to it when we can.

Chair English Braga asked about the Proposition 2 and ½ override because it is taking so long due to civil service and Chapter 19, the positions are not filled, what happens with that money? Ms. Mullen explained that it is sitting in separated Town Warrant article, might hold some aside depending on when firefighters are hired, but some will be returned to the free cash item, it will go unspent. Override for operating budget, Town decided to put it in a separate Town Meeting Article. Anytime there are unspent monies from operating budget, it gets closed out at the end of the year and returned to free cash. Free cash funds the operating budget. That article will get closed out, but those monies get incorporated into the Fire Department budget, every year they have unspent funds. Those unspent funds are turned back, though every year the FFD equipment has been funded well. The turnback will be very clear what that was, a large spreadsheet shows the actions taken.

Mr. Jones noted there are a lot of positions funded, but vacant. The override cannot touch, it needs to be set aside for the positions.

Ms. Mullen said we have \$900k, if hired in May and have to buy all the things that go on when a new firefighter in training is hired. Some of the money will be left in the article to be spent in July and August. The money not spent is closed out.

Mr. Patterson noted an \$800,000 truck for FFD is funded as a capital project.

The comprehensive annual financial report is the Town audit, it was completed last week, she is reviewing it, and it will be released in 2-3 weeks.

3. Discuss Mission Statement and Charge of the Cable Advisory Committee

Mr. Suso said that Michael Eder, Chair Cable Advisory Committee.

Mr. Brown requested this be on the agenda, he reached out to Falmouth Net Group and Cable Advisory Committee so they are aware this would be discussed. He told Mr. Eder it is early to discuss this contract at this time and Falmouth Net Group members expressed desire to make presentation to the Select Board prior to actions being taken. They have requested this be held at this time. Chair English Braga tabled this for future.

Courtney Bird comment read by Chair English Braga. Last June the EDIC funded a feasibility study, it found a community broad band network was appropriate for Falmouth. This initiative would need a champion to push the project forward to be successful, the Network Committee worked with EDIC on a study and now wants to build public support. They have incorporated Falmouthnet, Inc. as a 503C organization. The Town's contract with Comcast expires soon. There needs to be a presentation to the

Select Board of the feasibility study, his understanding that this was in the works. Consider the role the Town may be in creating a network.

Mr. Suso said that Jennifer Mullen, Finance Director, is the staff liaison working with the Committee.

Ms. Mullen noted they are in the middle of Comcast negotiations, trying to conclude this. This is a 5 person committee, there are three people on it and two current vacancies.

There will be an ascertainment hearing and will try to get it on the agenda for public hearing in February.

4. Individual Select Board Members' Reports

Mr. Brown:

Attended a meeting with Fire Chief today to better understand response and staffing levels.

5. Town Manager's Report

Mr. Suso thanked the Department Heads for being present tonight and for their excellent work and good stewardship on funds.

Wished all a happy new year, meeting in one week.

Mr. Jones motion to adjourn. Mr. Patterson Second. Roll call vote: Chair English Braga, aye; Vice Chair Brown, aye; Mr. Jones, aye; Mr. Patterson, aye; Ms. Taylor, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

DRAFT

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, JANUARY 25, 2021
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 January 25, 2021 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.falmouthma.gov/BOS>.*
 - ii. Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
- 3. Additionally public comments may be sent in advance of the meeting to selectboard@falmouthma.gov at least 5 hours prior to the beginning of the meeting. Documents and audio or video files may also be submitted via email. Submitted email comments and documents will be made a part of the meeting record and may be read into the record, summarized or displayed during the meeting at the discretion of the chair.*
- 4. Applicants, their representatives and individuals with enforcement matters before the Board may appear remotely and are not required to be physically present. Applicants, their representatives and individuals with enforcement matters before the Board may contact the Town Manager/Select Board's Office to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Town Manager's Office at townmanager@falmouthma.gov so they may be displayed for remote public access viewing.*

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

Also present Julian Suso, Town Manager; Peter Johnson Staub, Assistant Town Manager; Frank Duffy, Town Counsel.

BUSINESS

1. Chair English Braga called the meeting to order at 5pm.
2. Discuss/vote motions and reports to Town Meeting as needed

Reconsideration of Indefinite Postponement vote on Article #3

Fall Town Meeting was attempted in November, quorum for the Select Board meeting, but not Town Meeting. Issue at the time with this article, regarding the Carousel of Light, was the School Committee's agenda was insufficient for the meeting when they discussed transferring property to the Town and Select Board. Based on this issue primarily (and debate for a long time), the Select Board changed their recommendation to indefinite postponement. The School Committee revoted

since in a properly noticed meeting, so the matter is now before the Town Meeting with that hurdle overcome.

Mr. Jones and Ms. Taylor felt there was no reason to reconsider.

Mr. Brown motion to reconsider indefinite postponement. Second Mr. Patterson. Roll Call Vote: Mr. Jones, no; Ms. Taylor, no; Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye.

Mr. Jones felt they should not recommend because this has never officially come before the Select Board, except as a possibility. The Select Board never saw the site plan, nor had a public presentation and to make a recommendation without pursuing it formally is irresponsible.

Ms. Taylor asked if there were plans, if the Town Engineering Department has been involved and reviewed plans, and if handicap access assessed. She does not agree with redesignating school property for this type of recreation.

Mr. Patterson feels this will not interfere with the school program given the conditions the School Committee placed. This is something the Town needs to decide, not the Select Board and it does not require a formal presentation to the Select Board.

Mr. Suso noted a question and answer forwarded to the Select Board and the Town Meeting members that include an engineering sketch on the location with an update regarding the question of wetland regulations; this will require a notice of intent with the Conservation Commission but will likely be a permissible project.

Chair English Braga noted that Mr. Jones is correct that it was more a conceptual project, information has been provided at times, but not presented to the Select Board with that level of detail.

Mr. Patterson noted this is a conceptual thing to put in front of the Town Meeting to find out if they want to entertain it; involves authority to transfer the parcel from the School Department to the Select Board.

Mr. Jones suggested finding out if the project is doable prior to going to Town Meeting. Chair English Braga said the article talks about the transfer of the property, authorizing into the next level of negotiations. The article is strictly on the jurisdiction piece.

Mr. Jones noted that they never talked with the Transportation Management group.

Atty. Duffy noted all is covered, it is clear the School Committee does not have the authority to lease the parcel, so it would need to be transferred to the Select Board.

Mr. Jones noted the majority vote rules. Chair English Braga agreed it should have come back as a more robust discussion by the Select Board.

Ms. Taylor worries about this being backwards, she will go with the group, but is uncomfortable and does not believe it is a good idea.

Mr. Patterson noted it is part of the downtown complex, the Chamber of Commerce supports this, the parking is not that far away, the children will want to play at playground and go to the library. Parking problems are with us anyway and not going away.

The Select Board noted that communication has been received by both supporters for and against and the School Committee was split on this as well. This does not give the community a chance to hear both sides.

Chair English Braga explained that in the article, it talks about whether or not we can enter into a lease not to exceed 30 years. The article does not say the carousel. The Select Board will be the final arbiters in the lease and will make decisions. The Select Board will make it clear to Town Meeting that this is the next step in a process that needs to play out.

Mr. Brown motion to remain with the positive motion to recommend as printed. Second Mr. Patterson. Roll Call Vote: Mr. Jones, no; Ms. Taylor, no; Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye.

Chair English Braga will make the statement as the process when she speaks on the article, that it is the beginning of that process.

Article 1 Discussion

Mr. Brown explained that he would like to make an amendment to add \$200,000 to the FFD budget for a mini pumper rescue vehicle because the McMann report says the duty and responsibility of officials is to decide the level of risk, they are willing to put the Town at. If they do not have a backup vehicle, if any vehicle needs service, there is no backup to it. There has been a lot of negative feedback about the fact override money will not all be used; it is a valid point and this reaffirms the Select Board commitment to use the money in the budget.

Chief Smith does not feel they need to purchase this type of truck, since the truck there is adequate and mechanically sound. The soundness of the current vehicle is such that there is no imminent or immediate danger of the truck failing. He is being asked to purchase a specific vehicle that is not in standards with apparatus they have been purchasing since 2009, it is a totally different vehicle, not as supportive of current fire ground operations with vehicles we have. There are other things that they can consider, putting position in purchasing a vehicle specifically for that station. Fire Chiefs use the vehicles at their discretion throughout the Town. The current truck fit in the station, it is a 90 year old station and discussions need to be had about new station. There are other options and he would propose another amendment to make this plausible.

Mr. Brown explained his motion is a small fire truck vehicle and his idea is that it would serve any part of the Town. He wants to put it in the budget so FFD is prepared if they need it.

Mr. Suso said with the planning and outreach Chief Smith conducted, he is confident that no more than \$75,000 would be needed and could be done timely and serve all stations.

Mr. Patterson noted people are what is needed for West Falmouth station to remain open and there is a lack of training of people, because of the pandemic. Buying another piece of equipment is blowing money away.

According to Chief Smith, if they had a full staff and the West Falmouth engine broke down, the FD would need to be closed because they do not have a piece of equipment to go there. The FD vendor has ability to search a truck for what is needed for West Falmouth station if the current engine was to mechanically fail.

Mr. Suso said that if it is the Select Board's desire to have another vehicle as insurance policy, the target should \$75,000.

Mr. Johnson-Staub said the Town's main concern is to not put Town Meeting to specify a piece of equipment. Mr. Brown was asked if he already has his amendment written, to provide it.

Mr. Hargraves noted they have not talked about the information sent out in support of the amendment. The free cash cannot be spent because the voters applied to a purpose.

3. Other business as needed-none.

4. Adjourn

Mr. Jones motion to adjourn at approximately 6pm. Second Ms. Taylor. Roll Call Vote: Mr. Jones, no; Ms. Taylor, no; Mr. Brown, aye; Mr. Patterson, aye; Chair English Braga, aye.

Respectfully submitted,

Jennifer Chaves
Recording Secretary

DRAFT

#8. Town Manager's Report

REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso



DATE: January 29, 2021

- The Board will meet in virtual session at 7PM on Monday, February 1.
- You will be hosting an unusually large number of public hearings – 6 – on various matters.
- Prior to this, there is a scheduled update/discussion on traffic matters related to Rt. 151. Peter McConarty will be joining us with this update. I am understanding that one/more Legislators may also be joining us. As you know, 151 has been the site of multiple vehicle accidents in recent months, including a recent, tragic fatality. Public Works has been working with MassDOT and an engineering consultant on a proposed redesign of one/more “eastern” Falmouth intersections on this challenging highway. Some information is being transmitted from Peter which will be included in your Board packet. I have also asked Chief Dunne to join us for this discussion.
- Under Summary of Actions, I point out two items in particular: (1) Request to affirm a ten-year lease extension (of a past, existing lease) specifically requested by the North Falmouth Village Association for the municipal property at 212 Old Main Road (otherwise known as the “Village Junction”). This is similar to the lease extensions which the Board approved within the past year with non-profit entities for two buildings in Woods Hole. (2) Request that the Board authorize me, on a one-time only basis, to grant additional vacation carryover for affected Town employees who – for reasons clearly related to the pandemic – were unable to utilize all of their annual vacation accruals. I will be forwarding a memo from Personnel Director Denise Coleman on this. Given the pandemic circumstances of 2020 and the fact that Town Hall and Town administrative offices remained continuously “working” throughout – this consideration is well-deserved.
- Scott McGann will join us as usual for a COVID-19 update. We continue to work diligently and collaboratively with multiple staff members throughout all Town departments in regard to facilitating the “mass” vaccination site being established at the County Fairgrounds in cooperation with the Barnstable County Health Department. As you know from the recent public

release, vaccination supplies continue to be very limited through the Commonwealth.

- I am asking the Board for your consideration of affirming the proposed site for the new, fifth fire station at 860 Sandwich Road.
- The Board will discuss the “format” for the upcoming April Town Meeting. We are in receipt of a formal request from Town Moderator David Vieira to hold this upcoming April 12 TM in virtual format. As we know, the long-delayed November, 2020 Town Meeting – just recently successfully concluded in virtual format on Monday, January 25 – has set the stage for our confidence in this virtual format for the upcoming April, 2021 Town Meeting.
- You will then be considering the “daunting” list of proposed Articles for the April, 2021 Town Meeting. As you see, in spite of our repeated requests for persons to consider delaying their article requests to later in the year given the challenges of the pandemic – we have forty proposed warrant articles. This includes seven proposed new petition articles. You are scheduled to vote your article recommendations at your meeting on Monday, March 8.
- I attended the Finance Committee’s virtual meeting on Tuesday, January 26.
- I attended the Transportation Management Committee’s virtual meeting on Thursday, January 28, having also attended their prior virtual meeting on Thursday, January 14.
- The Board has a scheduled Joint Meeting with the Planning Board set for the morning of Saturday, February 13.
- Town Hall and Town administrative Offices will be closed on Monday, February 15 for the President’s Day Holiday.
- Your next regular business meeting will be Monday, February 22.