

TOWN OF FALMOUTH
SELECT BOARD
REVISED AGENDA
MONDAY, MAY 24, 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 May 24, 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. Reorganization of the Select Board
4. Proclamation: Eagle Scout – Zach Morris
5. Recognition
6. Announcements: Juneteenth Statement
7. Public Comment

7:15 p.m. SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Vote to approve request for exemption under G.L. c. 268A, § 20(d), Disclosure appearance of conflict of interest by Special Municipal Employee, from the Conflict of Interest Law – Debby Rodgers, FCTV, Member of the cable TV negotiating team
 - b. Designate all Seasonal positions in the Recreation Department and the part-time (<20 hours per week) Receptionist position in the Recreation Department as Special Municipal Employees
 - c. Vote to approve Falmouth Fire Rescue Department application for CoMIRS Radio Upgrade Grant funds
 - d. Vote to approve request for proposals for lease of 300 Dillingham Avenue

- e. Approve appointment of Ray Jack as Falmouth representative to the Joint Base Cape Cod Military-Civilian Community Council (MCCC)
- f. Vote to accept donation of lot abutting Shiverick's Pond off Katharine Lee Bates Road from The 300 Committee Land Trust, Inc.
- g. Vote to approve Grant of License to New Silver Beach Improvement Association to install a lifeguard stand on the Town Beach at Silver Beach Avenue, North Falmouth
- h. Vote to approve Grant of License to Elaine Aresty to maintain an existing stone wall located at 141 Sippewissett Road, Falmouth

BUSINESS

- 1. Discussion/update on COVID-19 issues
 - Discussion and vote on local face covering orders

SUMMARY OF ACTIONS

- 2. Special Events

Recurring - Recommended:

- a. Movies Under the Stars – Falmouth Village Association – Library Lawn – Wednesdays, 6/30/21 – 8/18/21
- b. Falmouth Sprint Triathlon – New England Endurance Events – Surf Drive Beach – Sunday, 7/11/21
- c. Rockin' Recovery Fundraiser Beach Concert – Recovery Without Walls – Old Silver Beach – Thursday, 7/29/21
- d. The Falmouth Walk – Tom Walrath – Town Hall Square Start/Finish – Saturday, 8/14/21
- e. Falmouth Road Race – Falmouth Road Race, Inc. – Woods Hole to Falmouth Heights – Sunday, 8/15/21
- f. Bands for Badges Music Festival – Bands for Badges, Inc. – Cape Cod Fairgrounds – Saturday, 8/21/21
- g. MS Challenge Walk – National MS Society – Start/finish North Falmouth Elementary School, bike path – Saturday, 9/11/21
- h. Striper Fest – On the Water, LLC – Marina Park & Bandshell – Saturday, 9/25/21
- i. ZOOMA Women's Race – Be Inspired Events, LLC – Old Silver Beach, Bike Path, N. Falmouth – Sunday, 9/26/21
- j. Liam Maguire's Irish Pub Almost Five-Miler – PCB Race Management – Start/finish Town Hall Square – Saturday, 10/2/21
- k. Cape Cod Marathon Weekend – Falmouth Running Club – Saturday, 10/30/21 and Sunday, 10/31/21
- l. Falmouth in the Fall Road Race – Falmouth Road Race, Inc. – Woods Hole to Falmouth Heights – Sunday, 11/14/21

New – Recommended:

- a. Practice and Teach Tai Ji – Cape Cod Guang Ping Tai Ji Quqn Club – Marina Park – Fridays and Saturdays, 5/28 – 10/30/21, except 9/3, 9/4, 9/24 and 9/25.
- b. Birthday Block Party – Alcott Road (87 Alcott Rd. to Cuttysark Rd.) – Saturday, 7/3/21
- c. Beach Wedding Ceremony – Woodneck Beach – Coles – Saturday, 8/14/21
- d. Beach Wedding Ceremony – Chapoquoit Beach – Kennedy – Saturday, 8/14/21
- e. Beach Wedding Ceremony – Falmouth Heights Top of Stairway on Deck on Grand Avenue – Maranchie – Saturday, 8/28/21
- f. Beach Wedding Ceremony – Surf Drive Beach – Hurrie – Friday, 10/15/21

- 3. Licenses

- a. Application for a Common Victualler License – Dilly's Grill, LLC d/b/a Dilly's Taqueria located at 281 Main Street, Falmouth
- b. Application for Special One-Day Liquor License – Bands for Badges Music Festival – Bands for Badges, Inc. – Cape Cod Fairgrounds – Saturday, 8/21/21
- c. Application for Special One-Day Liquor License – Striper Fest – On the Water, LLC – Marina Park – Saturday, 9/25/21

7:30 p.m. PUBLIC HEARINGS

1. Application for an Alteration of the Licensed Premises of an All Alcoholic Common Victualler License – Chapoquoit Grill, Inc., located at 410 West Falmouth Highway, West Falmouth. Continued from April 26, 2021.
2. Application for a Transfer of License, and Pledge of License and Inventory of an All Alcoholic Beverages Common Victualler License – C Salt Wine Bar & Grille, Inc., 75 Davis Straits, Falmouth

7:45 p.m. BUSINESS

2. Discussion of authorizing the Town Manager to transmit a letter to Governor and Senate President regarding concerns on the expiration of emergency provisions related to restaurants
3. Interview applicants for the Sandwich Road Fire Station Building Committee:
 - a. Christopher Simmler
 - b. Marc Finneran
 - c. Edward Pride
 - d. Patrick Callahan
4. Report from representatives of FalmouthNet
5. Report – Falmouth Cultural Council
6. Report – Transportation Management Committee
7. Falmouth Litter Reduction Team – Presentation on proposed litter reduction bylaw
8. Update on planned uses for 67 and 81 Davisville Road
9. Discussion and vote on Board recommendations for June 28, 2021 Special Town Meeting warrant articles
10. Review and Vote to Approve Minutes of Meetings: Public Session – March 8, 2021; April 12, 2021
11. Individual Select Board Members' Reports
12. Town Manager's Report

Megan English Braga, Chair
Select Board

OPEN SESSION

#4. PROCLAMATION: Eagle Scout Zachariah Alexander Morris



PROCLAMATION

WHEREAS: Zachariah Alexander Morris of Boy Scout Troop 38 has successfully completed qualifications for the rank of Eagle Scout, a rigorous and demanding process that teaches patience, perseverance and teamwork, and requires strong goal setting; and

WHEREAS: Zachariah Alexander Morris met these challenges with aplomb and shall be recognized as an outstanding representative of his family, his troop and his community; and

WHEREAS: The Boy Scouts of America, long acknowledged for building fine citizens, calls for Special Court of Honor to award its highest symbol of achievement to those who complete this rank; and

WHEREAS: Zachariah Alexander Morris is now an Eagle Scout with all its rank and privilege;

NOW, THEREFORE, We, Megan English Braga, Douglas C. Brown, Samuel H. Patterson, Nancy R. Taylor and Onjalé Scott Price as Select Board of the Town of Falmouth, do hereby declare and PROCLAIM

ZACHARIAH ALEXANDER MORRIS AS EAGLE SCOUT

IN WITNESS WHEREOF, we have hereunto set our hand and caused the Great Seal of the Town of Falmouth to be affixed on this 24th day of May, 2021.

Megan English Braga

Nancy R. Taylor

Douglas C. Brown

Onjalé Scott Price

SELECT BOARD

Samuel H. Patterson

Diane Davidson

From: Ed Bruce <ed@bruce1.net>
Sent: Monday, May 10, 2021 4:07 PM
To: Diane Davidson
Cc: Sam Patterson; Mike Morris
Subject: Troop 38 Eagle Scout - Zachariah Alexander Morris

Dear Diane,

Zach Morris earned the Eagle Scout rank in December and has scheduled his Eagle Court of Honor for Sunday, June 6th at Camp Greenough in Yarmouth Port.

Would it be possible to have a proclamation prepared and to get him on the Board's agenda to be recognized at their meeting on Monday, May 24th?

Thanks,
Ed

Ed Bruce
Scoutmaster
Troop 38 - North Falmouth
508-521-3545 (cell, text)

OPEN SESSION

#6. ANNOUNCEMENTS: JUNETEENTH STATEMENT



Town of Falmouth
59 Town Hall Square
Falmouth, MA 02540
www.falmouthma.gov



Falmouth No Place for Hate
NPFHFalmouth@gmail.com



Falmouth Public Schools
340 Teaticket Highway
East Falmouth MA
www.falmouth.k12.ma.us

Juneteenth 2021

Falmouth Public Schools, in partnership with the Town of Falmouth, the Select Board, and No Place for Hate-Falmouth, recognize Juneteenth - June 19 - as an official day of celebration in the Town of Falmouth and commit to raising awareness of this important date in our nation's history. In 2020, Governor Baker, following the example of all but three states, recognized Juneteenth as an official state holiday. It is not a federal holiday.

This year we will commemorate the 156th anniversary of Juneteenth when the abolition of slavery was declared in Texas. June 19 marks the day when federal troops arrived in Galveston, Texas in 1865 to take control of the state and ensure that all enslaved people be freed. The troops' arrival came a full two and a half years after the signing of the Emancipation Proclamation. While it has long been an African American holiday, it is time for everyone to recognize and celebrate it. Juneteenth provides an opportunity to celebrate freedom while also recognizing the history, legacy, and impact of slavery in our country.

Falmouth Public Schools, the Town of Falmouth, the Select Board, and No Place for Hate – Falmouth remain committed to fostering diversity, inclusion, and equity in all areas and levels of our community. For the first time, this year Falmouth Public Schools is initiating an ongoing, District-wide, major effort to educate students and staff about Juneteenth.

Megan English Braga
Chair, Falmouth Select Board

Date

Rev. Nell Fields, on behalf of
No Place for Hate- Falmouth

Date

Kelly Welch
Chair, Falmouth School Committee

Date

SUMMARY OF ACTIONS

#1. ADMINISTRATIVE ORDERS

- a. Vote to approve request for exemption under G.L. c. 268A, § 20(d), Disclosure appearance of conflict of interest by Special Municipal Employee, from the Conflict of Interest Law – Debby Rodgers, FCTV, Member of the cable TV negotiating team

**DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE OF FINANCIAL INTEREST
AND DETERMINATION BY APPOINTING AUTHORITY
AS REQUIRED BY G. L. c. 268A, § 19**

MUNICIPAL EMPLOYEE INFORMATION	
Name:	Debra Rogers
Title or Position:	Member of Negotiating Team for Cable TV License
Municipal Agency:	Town of Falmouth
Agency Address:	59 Town Hall Square, Falmouth, MA 02540
Office Phone:	508-457-0800
Office E-mail:	deb@fctv.org
	My duties require me to participate in a particular matter, and I may not participate because of a financial interest that I am disclosing here. I request a determination from my appointing authority about how I should proceed.
PARTICULAR MATTER	
Particular matter E.g., a judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination, or finding.	Please describe the particular matter. I have been appointed a member of the cable license negotiating team. I work for Falmouth Community Television and want to be appointed to the negotiating team that will be negotiating the franchise license with Comcast
Your required participation in the particular matter: E.g., approval, disapproval, decision, recommendation, rendering advice, investigation, other.	Please describe the task you are required to perform with respect to the particular matter. Serve as part of the team negotiating the cable license between the town of Falmouth and Comcast.
FINANCIAL INTEREST IN THE PARTICULAR MATTER	
Write an X by all that apply.	<input type="checkbox"/> I have a financial interest in the matter. <input type="checkbox"/> My immediate family member has a financial interest in the matter. <input type="checkbox"/> My business partner has a financial interest in the matter. <input checked="" type="checkbox"/> I am an officer, director, trustee, partner or employee of a business organization, and the business organization has a financial interest in the matter. <input type="checkbox"/> I am negotiating or have made an arrangement concerning future employment with a person or organization, and the person or organization has a financial interest in the matter.

Financial interest in the matter	Please explain the financial interest and include a dollar amount if you know it. Falmouth Community Television Corporation (FCTV) derives approximately 93% of its' operating revenue and 100% of its' capital funding as a result of the cable license between the town of Falmouth and Comcast. Operating revenue varies year to year based on the number of cable subscribers, the amount derived annually for Capital is currently \$50,100. My salary and benefits are derived from all operating revenue which is a combination of earned revenue from FCTV efforts (<i>fundraising, events, membership dues, classes...</i>) or from the cable license
Employee signature:	<i>[Signature]</i>
Date:	5/18/2021

DETERMINATION BY APPOINTING OFFICIAL

APPOINTING AUTHORITY INFORMATION	
Name of Appointing Authority:	
Title or Position:	
Agency/Department:	
Agency Address:	
Office Phone:	
Office E-mail	
DETERMINATION	
Determination by appointing authority:	As appointing official, as required by G.L. c. 268A, § 19, I have reviewed the particular matter and the financial interest identified above by a municipal employee. I have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee.
Appointing Authority signature:	
Date:	
Comment:	

Attach additional pages if necessary.

The appointing authority shall keep this Disclosure and Determination as a public record.

**INSTRUCTIONS FOR DISCLOSURE BY NON-ELECTED MUNICIPAL EMPLOYEE
UNDER G.L. c. 268A, § 19**

FINANCIAL INTEREST IN A PARTICULAR MATTER

WHEN TO USE THE § 19 DISCLOSURE FORM

You are an **appointed or non-elected municipal employee**, as defined by G.L. c. 268A, § 1(g). **Your duties as a municipal employee include participating in a particular matter. You may not participate in the matter because one or more of the following individuals or entities listed below has a financial interest in the matter:**

- **You;**
- **Your immediate family member** (you and your spouse, and each of your parents, children, brothers and sisters);
- **Your business partner;**
- **A business organization** for which you are serving as an **officer, director, trustee, partner or employee;**
- **A person or organization** with whom you are **negotiating or have made an arrangement about prospective employment.**

You may file a **§ 19 Disclosure** with your appointing authority describing the particular matter, your responsibilities in relation to it, and the financial interest that is preventing you from participating.

Your appointing authority has discretion to make a written **§ 19 Determination** that the financial interest you have identified is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from you as its employee. **You may not participate in the particular matter unless your appointing authority files a written Determination allowing you to do so.**

If you choose not to seek authorization to participate, and do not file a § 19 disclosure, you may need to inform your appointing authority or agency that you will not perform your duties as you usually would.

PARTICIPATION IN A PARTICULAR MATTER

In a § 19 disclosure, you must explain in what way you participate in a particular matter.

A **particular matter** is any judicial or other proceeding, application, submission, request for a ruling or other determination, contract, claim, controversy, charge, accusation, arrest, decision, determination or finding.

You are expected to **participate** through approval, disapproval, decision, recommendation, the rendering of advice, investigation or otherwise.

Explain in what way you are required to participate – e.g., reviewing a proposal, approving an application, deciding about a grant; making a recommendation about a budget, providing advice about a case, conducting an investigation, performing a task or taking an action – in relation to the particular matter.

FINANCIAL INTEREST

In the disclosure, you must explain the financial interest that prevents you from participating in a particular matter. You should include the dollar amount of the financial interest, if known.

A financial interest must be **direct and immediate or reasonably foreseeable** (and not remote, speculative or not sufficiently identifiable), and may be **large or small, positive or negative** – a gain or loss, a benefit or an obligation.

For example, a financial interest exists when the outcome of a particular matter may:

- **Cause or prevent a financial gain or loss;**
- **Create or eliminate a financial opportunity;**

- Determine who will make decisions affecting your or an immediate family member's **wages, hours or working conditions** as a municipal employee.

Abutters and Owners of Nearby Property: The following people are presumed to have a financial interest in a particular matter regarding real estate:

- An abutter;
- An abutter to an abutter within 300 feet of the property line;
- A person who may suffer an injury in fact which is different in kind or magnitude from that suffered by members of the general public.

Competitors: Your business interest will have a financial interest if the outcome of a particular matter would affect the financial interests of a competitor in a way that would likely decrease or increase your business or the business of your immediate family, your partner, or your private employer.

FILING THE § 19 DISCLOSURE AND DETERMINATION

For the municipal employee

Sign your completed Disclosure and submit it to your appointing authority.

For the appointing authority

You have received a § 19 Disclosure from a municipal employee who may not participate in a matter because of a financial interest in the matter. **You may make a written Determination** that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the employee. **You also may decide not to make this Determination.** If you make such a Determination, you should provide a copy to the employee. Keep a copy of the § 19 Disclosure as a public record.

If you need advice about completing the disclosure, please call the Attorney of the Day at (617) 371-9500 or e-mail the State Ethics Commission at requestadvice@massmail.state.ma.us.

Diane Davidson

From: Julian Suso
Sent: Tuesday, April 27, 2021 4:05 PM
To: Falmouth Selectboard
Cc: Frank Duffy; Jennifer Mullen; Peter Johnson-Staub; Diane Davidson
Subject: FW: Cable TV

Dear Board Members,

FYI, this guidance from Frank pursuant to last evening's discussion. We will plan to place a formal vote on the upcoming May 10 SB meeting agenda.

Julian

From: Frank Duffy <frank.duffy@falmouthma.gov>
Sent: Tuesday, April 27, 2021 3:05 PM
To: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Cc: Jennifer Mullen <jennifer.mullen@falmouthma.gov>; Irie Mullin <irie.mullin@falmouthma.gov>
Subject: Cable TV

Julian: Presently no representative of FCTV is participating as a member of the negotiating team in the cable TV license renewal process between the Town and Comcast. Negotiations are the primary responsibility of the Finance Director and special counsel. They will make a recommendation to the Select Board which makes the final decision.

FCTV is not a party to the license but it is a beneficiary of the cable TV license. Comcast pays fees to the Town and a significant portion is passed through to FCTV to subsidize the broadcasting of meetings of public bodies. Debra Rogers is the executive director of FCTV. She is not an appointed member of the Cable Advisory Committee. On the committee's webpage she is identified as the representative of FCTV. She regularly participates in committee meetings, but does not vote. Presently she is not a municipal employee and is not bound by the Conflict of Interest law.

A question has been raised about her participation in the cable TV license renewal process. If she is appointed to be a member of the negotiating team in any capacity, she will become a municipal employee and subject to the Conflict of Interest law. The Select Board should designate members of the cable TV negotiating team as special municipal employees for purposes of the Conflict of Interest law.

The Conflict of Interest law restricts municipal employees from acting in their official capacity in matters in which they have a financial interest, which includes matters affecting a business organization in which they are serving as an officer, director or employee. This would preclude Debra Rogers from participating in the cable TV license renewal process as a member of the negotiating team. There is an exemption which may apply. As an appointed municipal employee, she may participate as a member of the negotiating team in matters affecting FCTV if she makes a full disclosure in writing of all relevant facts to the public official or public body which appoints her and receives a written determination of exemption. The written determination of exemption must be filed with the Town Clerk and be available for public inspection.

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.

- b. Designate all Seasonal positions in the Recreation Department and the part-time (<20 hours per week) Receptionist position in the Recreation Department as Special Municipal Employees

c. Vote to approve Falmouth Fire Rescue Department application for CoMIRS Radio Upgrade Grant funds

Diane Davidson

From: Kim Strohm
Sent: Wednesday, May 12, 2021 3:16 PM
To: Diane Davidson
Cc: Timothy Smith; Peter Johnson-Staub
Subject: Request for Selectmen's meeting agenda item
Attachments: COMIRS Radio Upgrade Grant Application - FALMOUTH.pdf; FY2021-027-25 Award Letter (Falmouth Fire Department) - signed.pdf

Good afternoon Diane

Would you please add to the next Selectmen's agenda "Approval of CoMIRS Radio Upgrade Grant for the Falmouth Fire Rescue Department"? I have attached the relevant paperwork. This is a program that all Cape communities are engaging in as the Commonwealth is improving its interoperable radio system. Without the grant funds we would need to cover the cost of these required upgrades within our operating budget. The grant funds will cover over \$80,000 of this required base upgrade costs while we will only be required to then cover approximately \$5,000 to upgrade all of our radios. Below is a brief description of the program from Gov. Baker's Grant Notice:

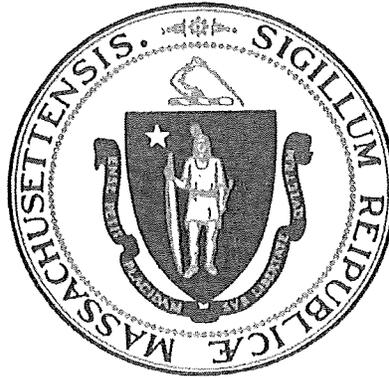
As part of the Commonwealth's plan to modernize, improve and expand its Interoperable Public Safety Radio System, EOTSS, EOPSS and the State 911 Department have collaborated to create this financial assistance Grant for the purpose of financing the replacement and/or upgrade of Operable Users' mobile and portable public safety radios that regularly affiliate with the CoMIRS network but as configured, do not satisfy the P25 standard and, as such, are not capable of operating on the Commonwealth's future digital P25 interoperable public safety radio network (hereinafter, active service, non-compliant subscriber units).

Thank you,

*Kim Strohm
Administrative Assistant/
Assistant Emergency Management Director
Falmouth Fire Rescue Department
399 Main Street
Falmouth, MA 02540
508-495-2517
508-495-2519 (fax)
kim.strohm@falmouthfirema.gov*

COMIRS RADIO UPGRADE GRANT APPLICATION
FISCAL YEAR 2021

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF TECHNOLOGY SERVICES AND SECURITY



COMIRS RADIO UPGRADE GRANT
APPLICATION

FISCAL YEAR 2021

All Applications and / Worksheets shall be emailed to:
[COMIRS RUP@mass.gov](mailto:COMIRS_RUP@mass.gov)

Questions and Requests for Information may be emailed to:
[COMIRS RUP@mass.gov](mailto:COMIRS_RUP@mass.gov)

The Executive Office of Technology Services and Security
One Ashburton Place, 8th Floor
Boston, MA 02108

FY21 Applications must be received by 3:00 P.M., Friday, March 12, 2021

COMIRS RADIO UPGRADE GRANT APPLICATION
FISCAL YEAR 2021

1.	Name of Grant Eligible Operable User or Representing Governmental Body	Falmouth Fire
	Street	399 Main Street
	City/Town	Falmouth
	State	Massachusetts
	Zip Code	02540
2.	Name of Contract Manager	Timothy R. Smith
	Title of Contract Manager	Fire Chief
	Office Telephone Number	508-495-2511
	Cellular Telephone Number	508-247-6410
	Email Address	timothy.smith@falmouthfirema.gov
3.	Name of Program Manager	Gerry Martin
	Title of Program Manager	Fire Alarm Superintendent
	Office Telephone Number	508-495-2537
	Cellular Telephone Number	774-836-2437
	Email Address	gerry.martin@falmouthfirema.gov
4.	Name of Authorized Signatory	Timothy R. Smith
	Title of Authorized Signatory	Fire Chief
	Office Telephone Number	508-495-2511
	Cellular Telephone Number	508-247-6410
	Email Address	timothy.smith@falmouthfirema.gov

5.	Summary Accounting (See Supporting Application Worksheet for Summary Accounting Responses)	
	REPLACEMENTS	
	"Total Cost"	116,088.54
	"Grant Eligible"	107,697.07
	"Cost Difference to be Assumed by Grantee / Operable User"	8,391.47
	UPGRADES	
	Total Number of Radios to be Upgraded	90

COMIRS RADIO UPGRADE GRANT APPLICATION
FISCAL YEAR 2021

6. GOAL AND DESIRED OUTCOMES

As part of the Commonwealth's plan to modernize, improve and expand its Interoperable Public Safety Radio System the Executive Office of Technology Services and Security, the Executive Office of Public Safety and Security and the State 911 Department have collaborated to create the CoMIRS Radio Upgrade Grant. This Grant has been created to provide financial assistance to Operable Users of the CoMIRS public safety radio network in order to replace and/or upgrade of certain mobile and/or portable public safety radios (hereinafter "subscriber units"). The CoMIRS Radio Upgrade Grant is a non-discretionary grant designed to mitigate the financial impact associated with the non-discretionary replacement or upgrade of active service, non-compliant subscriber units. Through formal submission of this application to the Executive Office of Technology Services and Security, the applying Operable User and/or Representing Governmental Body affirms that:

1. the number and type of subscriber units requested, comply with, are consistent with and reconcile with the Grant Notice and Guidelines and all Tables therein;
2. any and all subscriber units that are purchased or upgraded with Grant funds must, when activated will be P-25 compliant, function on the Commonwealth's current legacy public safety radio network; and, function on the Commonwealth's future digital P-25 interoperable public safety radio network;
3. in the event it elects to purchase a subscriber unit(s) whose negotiated price exceeds the maximum per unit funding amount allowed under the Grant for that Grantee/Operable User, said Grantee/Operable User shall assume the resulting cost difference and shall satisfy such cost difference prior to disbursement of funds under this Grant or if authorized by EOTSS provide sufficient assurance that the cost difference(s) will be satisfied;
4. any and all subscriber units purchased or upgraded with Grant funds will only be issued to, used by or deployed in direct support of first responders;
5. any and all subscriber units purchased or upgraded with Grant funds shall become an asset of the Grantee/Operable User and as such, all future costs associated with such subscriber unit, including but not limited to maintenance, repair, modification, upgrade or replacement shall be the sole responsibility of the Grantee/Operable User; and,
6. it shall comply with all Grant obligations and reporting requirements as set forth in the Grant Notice and Guidelines, Tables, Application documents, ISA's, the Commonwealth's Standard Contract Form and any other referenced or incorporated documents.

7. SUPPORTING WORKSHEET

The attached Supporting Worksheet is incorporated into the Application by reference. All Grant Applications must include a "FY 2021 CoMIRS Radio Upgrade Grant Supporting Worksheet". The total funding amount appearing on the Supporting Worksheet must match the amount requested at Section 5 above.

8. GRANT APPLICANT SUBSCRIBER UNIT INVENTORY REPORT (EXCEL FILE)

The Grantee's attached subscriber unit inventory report is incorporated into the Application by reference. All Grant Applications must include an up-to-date subscriber unit inventory report (Excel Files only unless otherwise authorized by EOTSS). The subscriber unit inventory report must clearly identify each subscriber unit that the Grant Applicant is seeking to replace and/or upgrade.

COMIRS RADIO UPGRADE GRANT APPLICATION
FISCAL YEAR 2021

9. AFFIRMATIONS

By signing below, I acknowledge I have read and understand all terms, provisions and conditions of the CoMIRS Radio Upgrade Grant, including the Grant Notice and Guidelines, Tables, Application, ISA/Standard Contract Form and any other referenced or incorporated documents. I acknowledge that I am the authorized signatory for the Grant Applicant and as such hereby accept and agree to all such terms, provisions and conditions contained therein.

Signed under the penalties of perjury this 11 day of March, 2021

ORIGINAL SIGNATURE(S) OF AUTHORIZED SIGNATORY(S)

Grantee/Operable User's Authorized Signatory:

Timothy R. Smith

Print Name

3/11/21

Date

Signature

Governmental Body's Authorized Signatory (Franklin Regional Council of Government only)

Print Name

Date

Signature



EXECUTIVE OFFICE OF TECHNOLOGY SERVICES & SECURITY

COMMONWEALTH OF MASSACHUSETTS | 1 ASHBURTON PLACE, 8TH FLOOR, BOSTON, MA 02108

Lynn, Massachusetts

CHARLES D. BAKER
Governor

CURTIS M. WOOD
Secretary

KARYN E. POLITO
Lieutenant Governor

May 2, 2021

Timothy R. Smith
Fire Chief
Falmouth Fire
399 Main Street
Falmouth, MA 02540

RE: CoMIRS Radio Upgrade Program (RUP) Grant Award Number: FY2021-027-25 (Falmouth Fire Department, 3-11-2021)

Chief Smith,

The Commonwealth of Massachusetts, through its Executive Office of Technology Services and Security (EOTSS) and the State 911 Department, would like to thank you for participating in the FY2021/FY2022 CoMIRS Radio Upgrade Program (RUP) grant. It is my pleasure to inform you that your RUP grant application for the replacement and/or upgrade of active service, non-compliant CoMIRS operable radios has been approved, with modification. This approval is subject to all grant terms, provisions, conditions, and affirmations.

Award Summary: 12 Portable Replacements, 25 Mobile Replacements, and 90 Upgrades.

Grant award for the purchase of 12 portable radios:	\$	25,534.80
Grant award for the purchase of 25 mobile radios:	\$	56,687.75
Minimum cost difference for portables and mobiles assumed by Grantee:	\$	4,980.27
Programming allowance for portables not to exceed:	\$	600.00
Programming allowance for mobiles not to exceed:	\$	1,250.00
Installation allowance for mobiles not to exceed:	\$	7,500.00
<u>Your total grant award amount shall not exceed:</u>	\$	<u>91,572.55</u>

A detailed explanation of your award is incorporated herein as Exhibit A.

Requests to modify any element of Exhibit A must be submitted in writing to EOTSS at CoMIRS_RUP@mass.gov. Requests for modification shall remain in a pending status until formally approved or denied by EOTSS.

134 radios were requested in your application. 127 radios were verified active service under grant rules. This is the maximum allowed under the grant program based on a review of roster levels, fleet size, and an allowance for other uses for grant radios.

Your grant award reflects the amount authorized for the replacement of qualified radios and associated programming and installation allowances. Please note, however, this grant award does not include any funding for authorized upgrades. To the extent you have requested and we have approved upgrades for qualified subscriber units, additional information regarding how those units will be upgraded and paid for will be forthcoming. EOTSS is still developing the process by which upgrades will be implemented and the manner by which they will be paid. Be assured that all approved upgrades will be paid for by EOTSS, whether directly or through an additional grant payment to you. In the interim, please proceed with the replacement of those units authorized herein.

Please find enclosed a copy of the Commonwealth's Standard Contract Form for your signature. This contract must be executed and returned to the EOTSS's CoMIRS Project Management Office (PMO) as soon as possible. In order to expedite the grant process please email a PDF version of the executed contract to CoMIRS_RUP@mass.gov. You must also mail the original wet signature contract to:

Ms. Annemarie Kates
Deputy Chief Administrative Officer
Executive Office of Technology Services and Security
1 Ashburton Place, 8th Floor
Boston, MA 02108

(The original wet signature contract must be mailed or delivered using USPS, UPS, FedEx, or like common carrier.)

Before returning your signed contract, be sure that the "MMARS Vendor Code" and the "MMARS Vendor Code Address ID" have been accurately and completely recorded on the Standard Contract Form. In the event you do not know these codes be sure to consult your municipal finance director. These codes are critically important when transferring the grant funds to you.

Your contract start date is the date of this Award Letter and will run through June 30, 2022. Grant funds may not be used for costs incurred prior to the contract start date. All equipment purchased with grant funds must be received by the last day of the fiscal year in which the funds were awarded, unless otherwise authorized by the PMO. **If your agency plans to request disbursement of these funds during FY2021, you are strongly encouraged to expedite your radio order(s) so your equipment is received by June 30, 2021.**

Pursuant to the Grant's *Supplemental Guidance #1*, (effective January 15, 2021) Grantees may elect to postpone their disbursement until Fiscal Year 2022. This provision is intended to provide Grantees the time they may need to secure municipal funding, if purchasing a more enhanced subscriber unit.

Be reminded that grant funds may not be used to purchase radio accessories. Accessories are considered discretionary and outside the scope of the grant. Although outside the scope, we have taken the opportunity to negotiate volume pricing for a number of commonly purchased accessories. EOTSS does not endorse or recommend any of these items. It is your responsibility to decide which, if any, are

best suited for your operation. To the extent you elect to supplement your radio purchase with accessories, ask your vendor for the COMIRS pricing. You will be fully responsible for the cost of all accessories. You are not required to report the purchase of accessory items to us.

Upon receipt of your radios, you must submit a Disbursement Request Form **and** PDF copies of all purchase order(s), packing slip(s) and invoice(s) (and if applicable, proof of "cost difference" payment) to receive access to your grant funds. The sooner we receive the Disbursement Request Form and the referenced purchase documents, the sooner you will be provided access to your funds. In no case should the submission of your Disbursement Request Form and supporting documentation exceed thirty days from the receipt of your equipment. A model Disbursement Request Form is available at Mass.gov/COMIRS. Questions concerning the disbursement process may be emailed to the PMO at CoMIRS_RUP@mass.gov.

The purpose of the RUP Grant is to replace or upgrade active non-compliant subscriber units that are presently used on the CoMIRS trunked radio system. The Grant program is not designed to supplement or increase a public safety agency's radio inventory. Accordingly, all Grantees SHALL ensure that those radios that are replaced with a new radio purchased with grant funds (whether portable or mobile), are rendered permanently incapable (either electronically or physically) of operating on the CoMIRS trunked radio system. Failure to ensure and report that the radios listed on your inventory report are made incapable of operation on the CoMIRS trunked system may result in the forfeiture and/or repayment of your grant award.

Lastly, if you would like to make a change to the authorized signatory, the contract manager, any of the grant worksheets or the disbursement schedule you must e-mail your request to CoMIRS_RUP@mass.gov as soon as possible. Requests for any such changes shall remain in a pending status until formally approved or denied by the Secretary of EOTSS or his designee.

Sincerely,


C Wood (May 2, 2021 17:55 EDT)

Secretary Curtis Wood
Executive Office of Technology Services and Security

Encl.: Commonwealth's Standard Contract Form
Cc: CoMIRS PMO Grant File
Annemarie Kates, EOTSS

Exhibit A: Financial Summary
CoMIRS Radio Upgrade Grant Award Number: FY2021-027-25

Award Totals for Falmouth Fire Department	Total Units	Total Purchase Price*	Total Grant Eligible Cost	Cost Difference (Agency Cost for Upgraded Units)*	Maximum Programming Allowance	Maximum Installation Allowance
Portable Replacements						
Awarded Kenwood Portable Radios	0	\$ -	\$ -	\$ -	\$ -	\$ -
Awarded Motorola Portable Radios	12	\$ 30,223.56	\$ 25,534.80	\$ 4,688.76	\$ 600.00	\$ -
PORTABLES SUBTOTAL	12	\$ 30,223.56	\$ 25,534.80	\$ 4,688.76	\$ 600.00	\$ -
Mobile Replacements						
Awarded Kenwood Mobile Radios	0	\$ -	\$ -	\$ -	\$ -	\$ -
Awarded Motorola Mobile Radios	25	\$ 56,979.26	\$ 56,687.75	\$ 291.51	\$ 1,250.00	\$ 7,500.00
MOBILES SUBTOTAL	25	\$ 56,979.26	\$ 56,687.75	\$ 291.51	\$ 1,250.00	\$ 7,500.00
Radio Upgrades						
Awarded Portable Upgrades	80					
Awarded Mobile Upgrades	10					
TOTAL UPGRADES AWARDED	90					
Totals	127	\$ 87,202.82	\$ 82,222.55	\$ 4,980.27	\$ 1,850.00	\$ 7,500.00

"Total Costs" (excludes programming and installation) *	\$ 87,202.82	Based on radio prices for specified replacement radio preferences in application.
Total Grant Approved Disbursement	\$ 91,572.55	Includes "Total Grant Eligible Costs" plus programming and installation allowances.
"Cost Difference to be Assumed by Grantee / Operable User" *	\$ 4,980.27	Based on radio prices for specified replacement radio preferences in application.

* "Total Purchase Price," "Total Costs," "Cost Difference (Agency Cost for Upgraded Units)," and "Cost Difference to be Assumed by Grantee / Operable User" are based on the replacement models specified by the applicant in the CoMIRS RUP grant application. These values may vary based on the applicant's radio selections when ordering radios. Grantees must notify the CoMIRS RUP Grant Office of a radio purchase changes between manufacturer (i.e., changing preference from Kenwood to Motorola or vice versa). Changes within a manufacturer (e.g., from APX4000-MA to APX6000) do not need to be reported to the grant office.

Exhibit B: Approved Radio List

ID	Manufacturer	Model	Serial No. (submitted)	Radio ID	User Alias	Type	Request
1256	Motorola	XTS 1500	687CNX1888	32094	FALFD128	Portable	Replace
1257	Motorola	XTS 1500	687cnm1705	39968	FALFD120	Portable	Replace
1258	Motorola	XTS 1500	687cpk2621	32352	FALFD 136	Portable	Replace
1260	Motorola	XTS 1500	687CNX1883	32089	FALFD123	Portable	Replace
1261	Motorola	XTS 1500	687CNX1887	32093	FALFD127	Portable	Replace
1263	Motorola	XTS 1500	687CPU1307	40000	FALFD 139	Portable	Replace
1264	Motorola	XTS 1500	687CNM1704	39967	FALFD119	Portable	Replace
1267	Motorola	XTS 1500	687CPK2619	32350	FALFD 134	Portable	Replace
1268	Motorola	XTS 1500	687CPK2622	32353	FALFD 137	Portable	Replace
1269	Motorola	XTS 1500	687CNX1886	32092	FALFD126	Portable	Replace
1271	Motorola	MTS 2000	466AWC6219	33869	FALMFD44	Portable	Replace
1272	Motorola	MTS 2000	466CCL0853	35203	FALFD100	Portable	Replace
1274	Motorola	MCS 2000	722AYG0394	34222	FALMFD56	Mobile	Replace
1275	Motorola	MCS2000	722AYG0396	39887	CAPE 739887	Mobile	Replace
1276	Motorola	XTL 2500	514CHT0372 Remote	37387	BARCY-171	Mobile	Replace
1278	Motorola	MCS 2000	722AYG0395	34223	FALMFD57	Mobile	Replace
1279	Motorola	MCS 2000	722AYG0404	34232	FALMFD 66	Mobile	Replace
1280	Motorola	MCS 2000	722CEN0363	36791	FALFD107	Mobile	Replace
1281	Motorola	MCS 2000	722AYG0403	34231	FALMFD65	Mobile	Replace
1282	Motorola	MCS 2000	722AXN0364	39888	CAPE 739888	Mobile	Replace
1283	Motorola	MCS 2000	722AYG0412	34240	FALMFD 74	Mobile	Replace
1284	Motorola	MCS 2000	722AYG0406	34234	FALMFD68	Mobile	Replace
1285	Motorola	XTL 2500	514CNZ0244 DUEL HEAD	32100	FALFD 130	Mobile	Replace
1286	Motorola	XTL 2500	514CNZ0223	32099	FALFD 129	Mobile	Replace
1287	Motorola	XTL 2500	514CPH0886	32345	FALFD131	Mobile	Replace
1288	Motorola	MCS 2000	722AYG0393	34221	FALMFD 55	Mobile	Replace
1289	Motorola	XTL 2500	514CKH1685 Remote	37630	FALFD-117	Mobile	Replace
1290	Motorola	MCS 2000	514CGV0864	37303	BARCY-164	Mobile	Replace
1291	Motorola	MCS 2000	722ABC0419	38658	FALMFD82	Mobile	Replace
1292	Motorola	MCS 2000	722AYG0442	34244	FALFD78	Mobile	Replace
1293	Motorola	XTL 2500	514CJT1635	37517	BARCY-175	Mobile	Replace
1294	Motorola	MCS 2000	722AYG0399	34227	FALMFD 61	Mobile	Replace
1295	Motorola	MCS 2000	722AZG0374	36215	FALFD101	Mobile	Replace
1296	Motorola	MCS 2000	722AYU3140	34851	FLPD4683	Mobile	Replace
1297	Motorola	XTL 2500	514CPZ1306 Remote	31131	FALFD140	Mobile	Replace
1298	Motorola	MCS 2000	722 AYG0414	34242	FALMFD 76	Mobile	Replace
1299	Motorola	MCS 2000	722CEY0815	36895	FALFD111	Mobile	Replace
1300	Motorola	APX 8500	681CWX2635 L26	4318	FALFD232	Mobile	Upgrade
1301	Motorola	APX 8500	681CVM0084 A37	47804	FALFD216	Mobile	Upgrade
1302	Motorola	APX 8500	656CS22038 e25	30840	FALFD178	Mobile	Upgrade
1303	MOTOROLA	APX 8500	681CVM0164 A38	47805	FALFD217	Mobile	Upgrade
1304	MOTOROLA	APX 8500	681CWH0022 C12	38536	FALFD227	Mobile	Upgrade

ID	Manufacturer	Model	Serial No. (submitted)	Radio ID	User Alias	Type	Request	
1305	MOTOROLA	APX 8500	681CWH0023	C12	38537	FALFD228	Mobile	Upgrade
1306	motorola	APX 8500	681cwh0024	c27	38538	FALFD229	Mobile	Upgrade
1307	Motorola	APX 8500	681cup1562	A39	46956	FALFD214	Mobile	Upgrade
1308	Motorola	APX 8500	681cur3064	E21	46998	FALFD215	Mobile	Upgrade
1309	Motorola	apx 7500	656CSK0287	c29	28618	FALFD175	Mobile	Upgrade
1310	Motorola	Apx 6000	481CQV0394		29526	FALFD143	Portable	Upgrade
1311	Motorola	APX 6000	481CQK3914		31988	FALFD142	Portable	Upgrade
1312	Motorola	APX 6000	481CQK3913		31987	FALFD141	Portable	Upgrade
1313	Motorola	APX 6000	481CRMA188		29771	FALFD149	Portable	Upgrade
1314	Motorola	APX 6000	481CRMA186		29769	FALFD147	Portable	Upgrade
1315	Motorola	Apx 6000	481CRMA185		29768	FALFD146	Portable	Upgrade
1316	Motorola	APX 6000	481CRMA187		29770	FALFD148	Portable	Upgrade
1317	Motorola	APX 6000	481CRMA189		29772	FALFD150	Portable	Upgrade
1318	Motorola	APX 6000	481CRMA190		29773	FALFD151	Portable	Upgrade
1319	Motorola	Apx 6000	481CSF0168		30271	FALFD168	Portable	Upgrade
1320	Motorola	Apx 6000	481CSF0173		30276	FALFD173	Portable	Upgrade
1321	Motorola	Apx 6000	481CSF0172		30275	FALFD172	Portable	Upgrade
1322	Motorola	Apx 6000	481CSF0171		30274	FALFD171	Portable	Upgrade
1323	Motorola	Apx 6000	481CSF0170		30273	FALFD170	Portable	Upgrade
1324	Motorola	Apx 6000	481CSF0156		30259	FALFD156	Portable	Upgrade
1325	Motorola	Apx 6000	481CSF0167		30270	FALFD167	Portable	Upgrade
1326	Motorola	Apx 6000	481CSF0162		30265	FALFD162	Portable	Upgrade
1327	Motorola	Apx 6000	481CSF0159		30262	FALFD159	Portable	Upgrade
1328	Motorola	Apx 6000	481CSF0158		30261	FALFD158	Portable	Upgrade
1329	Motorola	Apx 6000	481CSF0152		30255	FALFD152	Portable	Upgrade
1330	Motorola	Apx 6000	481CSF0154		30257	FALFD154	Portable	Upgrade
1331	Motorola	Apx 6000	481CSF0153		30256	FALFD153	Portable	Upgrade
1332	Motorola	Apx 6000	481CSF0163		30266	FALFD163	Portable	Upgrade
1333	Motorola	Apx 6000	481CSF0161		30264	FALFD161	Portable	Upgrade
1334	Motorola	Apx 6000	481CSF0166		30269	FALFD166	Portable	Upgrade
1335	Motorola	Apx 6000	481CSF0165		30268	FALFD165	Portable	Upgrade
1336	Motorola	Apx 6000	481CSF0160		30263	FALFD160	Portable	Upgrade
1337	Motorola	Apx 6000	481CSF0174		30277	FALFD174	Portable	Upgrade
1338	Motorola	Apx 6000	481CSF0157		30260	FALFD157	Portable	Upgrade
1339	Motorola	Apx 6000	481CSF0155		30258	FALFD155	Portable	Upgrade
1340	Motorola	Apx 6000	481CSF0164		30267	FALFD164	Portable	Upgrade
1341	Motorola	Apx 6000	481CSF0169		30272	FALFD169	Portable	Upgrade
1342	Motorola	Apx 6000	481CSMF396		30431	FALFD176	Portable	Upgrade
1343	Motorola	Apx 6000	481CSMF397		30432	FALFD177	Portable	Upgrade
1344	Motorola	Apx 6000	481CTM3488		30947	FALFD180	Portable	Upgrade
1345	Motorola	Apx 6000	481CTM3487		30946	FALFD179	Portable	Upgrade
1346	Motorola	Apx 6000	481CTM3489		30948	FALFD181	Portable	Upgrade
1347	Motorola	Apx 6000	481CUF0761		46650	FALFD200	Portable	Upgrade
1348	Motorola	Apx 6000	481CUF0760		46649	FALFD199	Portable	Upgrade

ID	Manufacturer	Model	Serial No. (submitted)	Radio ID	User Alias	Type	Request
1349	Motorola	Apx 6000	481CUF0753	46642	FALFD192	Portable	Upgrade
1350	Motorola	Apx 6000	481CUF0766	46655	FALFD205	Portable	Upgrade
1351	Motorola	Apx 6000	481CUF0770	46659	FALFD209	Portable	Upgrade
1352	Motorola	Apx 6000	481CUF0769	46658	FALFD208	Portable	Upgrade
1353	Motorola	Apx 6000	481CUF0768	46657	FALFD207	Portable	Upgrade
1354	Motorola	Apx 6000	481CUF0755	46644	FALFD194	Portable	Upgrade
1355	Motorola	Apx 6000	481CUF0754			Portable	Upgrade
1356	Motorola	Apx 6000	481CUF0767	46656	FALFD206	Portable	Upgrade
1357	Motorola	Apx 6000	481CUF0752	9999	FALFD191	Portable	Upgrade
1358	Motorola	Apx 6000	481CUF0759	46648	FALFD198	Portable	Upgrade
1359	Motorola	Apx 6000	481CUF0747	9991	FALFD186	Portable	Upgrade
1360	Motorola	Apx 6000	481CUF0749	9993	FALFD188	Portable	Upgrade
1361	Motorola	Apx 6000	481CUF0771	46660	FALFD210	Portable	Upgrade
1362	Motorola	Apx 6000	481CUF0745	9989	FALFD184	Portable	Upgrade
1363	Motorola	Apx 6000	481CUF0748	9992	FALFD187	Portable	Upgrade
1364	Motorola	Apx 6000	481CUF0746	9990	FALFD185	Portable	Upgrade
1365	Motorola	Apx 6000	481CUF0751	9998	FALFD190	Portable	Upgrade
1366	Motorola	Apx 6000	481CUF0763	46652	FALFD202	Portable	Upgrade
1367	Motorola	Apx 6000	481CUF0762	46651	FALFD201	Portable	Upgrade
1368	Motorola	Apx 6000	481CUF0758	46647	FALFD197	Portable	Upgrade
1369	Motorola	Apx 6000	481CUF0764	46653	FALFD203	Portable	Upgrade
1370	Motorola	Apx 6000	481CUF0757	46646	FALFD196	Portable	Upgrade
1371	Motorola	Apx 6000	481CUF0750	9994	FALFD189	Portable	Upgrade
1372	Motorola	Apx 6000	481CUF0744	9988	FALFD183 DUPE	Portable	Upgrade
1373	Motorola	Apx 6000	481CUF0774	46663	FALFD213	Portable	Upgrade
1374	Motorola	Apx 6000	481CUF0773	46662	FALFD212	Portable	Upgrade
1375	Motorola	Apx 6000	481CUF0772	46661	FALFD211	Portable	Upgrade
1376	Motorola	Apx 6000	481CUF0765	46654	FALFD204	Portable	Upgrade
1377	Motorola	Apx 6000	481CUF0743	9987	FALFD182	Portable	Upgrade
1378	Motorola	Apx 6000	481CUF0756	46645	FALFD195	Portable	Upgrade
1379	Motorola	Apx 6000	481CUK5741			Portable	Upgrade
1380	Motorola	Apx 6000	481CVP4682	47929	FALFD225	Portable	Upgrade
1381	Motorola	Apx 6000	481CPV4679	47926	FALFD222	Portable	Upgrade
1382	Motorola	Apx 6000	481CVM2102	47808	FALFD220	Portable	Upgrade
1383	Motorola	Apx 6000	481CVM2101	47807	FALFD219	Portable	Upgrade
1384	Motorola	Apx 6000	481CVM2100	47806	FALFD218	Portable	Upgrade
1385	Motorola	Apx 6000	481CVP4678	47925	FALFD221	Portable	Upgrade
1386	Motorola	Apx 6000	481CVP4680	47927	FALFD223	Portable	Upgrade
1387	Motorola	Apx 6000	481CVP4681	47928	FALFD224	Portable	Upgrade
1388	Motorola	Apx 6000	481CWM3456	46752	FALFD230	Portable	Upgrade
1389	Motorola	Apx 6000	481CWM3457	46765	FALFD231	Portable	Upgrade

FY2021-027-25 Award Letter (Falmouth Fire Department)

Final Audit Report

2021-05-02

Created:	2021-05-02
By:	Scott Bailey (Scott.W.Bailey@mass.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAIMpJrDpPYSQSBk2ayk4RE1aMkqnhw1z

"FY2021-027-25 Award Letter (Falmouth Fire Department)" History

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-  Document e-signed by CM Wood (curtis.wood@mass.gov)
Signature Date: 2021-05-02 - 9:55:45 PM GMT - Time Source: server- IP address: 174.242.145.204
-  Agreement completed.
2021-05-02 - 9:55:45 PM GMT

d. Vote to approve request for proposals for lease of 300
Dillingham Avenue

**Town of Falmouth
Request for Proposals
Lease of 300 Dillingham Avenue
for Veterans Service Center**



**Issued:
June 2021**

**Town of Falmouth
Request for Proposals
Lease of 300 Dillingham Avenue
for Veterans Service Center**

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I. Background Information & Town Goals

The Town of Falmouth (Town), through its Select Board, seeks proposals from qualified organizations to lease a Town-owned building and associated parking area located at 300 Dillingham Avenue for the purpose of operating a veterans service center.

The Town has determined that this solicitation and the contract awarded pursuant to it are subject to the provisions of the Uniform Procurement Act, Massachusetts General Laws, Chapter 30B, Section 16. Therefore, the relevant provisions of Massachusetts General Law are incorporated by reference in this Request for Proposals (RFP).

A walk-through of the property and the facilities will be held at 10:00am on June 9, 2021. It is strongly recommended that any respondent intending to submit a proposal be at this walk-through.

Questions regarding this proposal should be directed in writing to Peter Johnson-Staub, Assistant Town Manager townmanager@falmouthma.gov by June 25, 2021. This RFP may be amended, based on questions proposed by potential respondents. Any revisions to this RFP shall be provided to all potential respondents no later than July 9, 2020. Proposals in strict conformance with the requirements of this RFP must be received at the Town Manager's office no later than 12:00pm on July 15, 2021 to be considered.

This RFP seeks parties interested in using the former senior center building with associated parking area shown on the map in Attachment F. The Town's objective with this RFP and subsequent lease is to provide a facility for a private, not-for-profit organization to provide services and activities for veterans. Given these goals and limitations, it is understood that the market value of the lease is less than what it would be for a typical residential or commercial lease.

The Lessee will maintain the property in an aesthetically pleasing manner similar to current conditions while preserving public access to adjacent Town land which is anticipated to be used for community gardens, an accessible play space and possibly for affordable housing.

The Town is seeking to lease the Property for a five (5) year term with an option to extend the lease for four additional five (5) year terms, for a total of up to twenty-five (25) years, at the Town's sole discretion.

The response to this request for proposals shall include:

1. A separate technical proposal that shall respond to the request for information specified in sections titled Minimum Criteria and Proposal Submissions below; and
2. A separate price proposal that shall show the respondent's proposed annual lease payment for each year and itemize any non-residential building improvements or equipment respond requests the Town supply.

The Town reserves the right to reject any and all bids as determined to be in the best interest of the Town, to waive minor informalities, and to award the contract as decided to be in the best interest of the Town taking into consideration the technical and price proposals submitted. The Town reserves the right to request further information to clarify proposals.

Submission Instructions:

<p>Respondents are required to submit: <u>one (1) original and two (2) copies of the "Technical Proposal" for a total of five (5), and in a separately sealed envelope, one (1) original "Price Proposal".</u> The Respondent is also asked, but not required, to include one (1) electronic version (PDF version on thumb drive) in a third sealed envelope. All Technical Proposal and Price Proposal forms and certifications are due on the proposal date as part of a complete submission package. Proposals are to be submitted and addressed as follows:</p>		
	Technical Proposal	Price Proposal
Mailing Address	Town Manager's Office 59 Town Hall Square Falmouth, MA 02540	
<p>Please note the envelopes (packages) may be sent in a single envelope (package, box, carton, etc.) provided that all the separate envelopes are individually sealed and clearly marked as noted.</p>		
Proposal Identification on the Outside of the Sealed Envelope	Town of Falmouth Veterans Center Lease – TECHNICAL PROPOSAL	Town of Falmouth Veterans Center Lease – PRICE PROPOSAL
Bids Due	<p>Proposals must be received no later than July 15, 2021 at 12:00 p.m. LATE PROPOSALS WILL NOT BE ACCEPTED.</p>	
Bid Bond (Bid Deposit)	A Bid Bond is NOT required.	
<p>Delivery will be at the expense of the Respondent. Any and all damages that may occur due to packaging or shipping will be the sole responsibility of the Respondent.</p>		

II. LEGAL AD:

Town of Falmouth

Request for Proposals for Lease of 300 Dillingham Road

The Town of Falmouth invites proposals from not-for-profit entities for lease of a Town-owned building and associated grounds and parking area located at 300 Dillingham Avenue, Falmouth, MA 02540 for the purpose of operating a veterans service center. Bid documents will be available starting at 12:00PM, June 4, 2021 by contacting Peter Johnson-Staub, Assistant Town Manager at townmanager@falmouthma.gov (508) 495-7320. Sealed proposals must be prepared and submitted in strict accordance with the instructions and requirements contained in this Request for Proposals (RFP) and must be received no later than 12:00PM on July 15, 2021, at:

Town Manager's Office
59 Town Hall Sq.,
Falmouth, MA 02540.

Late, emailed, faxed or unsigned proposals will not be accepted.

The Town of Falmouth reserves the right to waive any informalities and to accept or reject any and all proposals in the best interest of the Town.

- Newspaper Postings: June 4, 2021 and June 11, 2021
- Central Register Postings: June 9, 2021

III. PROPERTY DESCRIPTION

The property that is offered for lease under this RFP consists of a structure constructed for the purpose of a senior center with a finished area of approximately 4,000 square feet and the adjacent grounds at 300 Dillingham Avenue. The lessee shall have nonexclusive use of the parking area as detailed in the lease. The remainder of the 1.6 acre parcel of land on which it is located is not subject to this lease.

IV. Contract Terms and Conditions

The lessee shall operate under the terms of the Lease Agreement that is attached hereto as Attachment G. It is the obligation of prospective lessees to review the terms of the lease prior to submitting a proposal.

1. The lessee shall be required to comply with applicable zoning and building code. The subject parcel is zoned Public Use.
2. Landlord shall deliver to Tenant the Premises in as is condition. Landlord shall have no obligation to repair the same. Tenant shall keep the Premises in good order and repair. 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.
3. Tenant shall pay monthly electricity and natural gas bills.
4. As detailed in the lease agreement, lessee shall be required to obtain and keep in force the following insurance at its sole expense: Comprehensive General Liability, Automobile Liability, Workers Compensation, and such other insurance coverages as the Lessor deems appropriate considering the Lessee's proposed use of the property.

Prior to entering into the Lease Agreement, the lessee shall provide to the Town evidence satisfactory to the Town that (1) a current criminal offender record information (CORI) investigation has been conducted for each officer and employee of the lessee who will work on the project, and (2) the results of which indicate no reason to prohibit the subject officer or employee from working on the project. The Town shall assist the lessee to obtain appropriate Sexual Offender Record Information for each officer and employee of the lessee through the Town's access to the CORI system.

V. TECHNICAL PROPOSAL

The technical proposal shall include the following:

1. Respondent information - Name, address, telephone number and email address of the individual submitting the proposal who will serve as the organization's primary contact with the Town. The proposal shall be signed by a duly authorized representative of the applicant organization.
2. A statement that the respondent has visited the subject site and is fully acquainted with the conditions as they exist.

3. A Business Plan to include but not be limited to:
 - a. A description of respondent's corporate structure;
 - b. The names of: 1) The of principal(s) of the respondent's organization (i.e. identify board of directors and management staff, if applicable); 2) The individual(s) who will make operational decisions for lessee;
 - c. A description of the qualifications and experience of each individual listed under section 3. b. above;
 - d. At least 2 references with contact information who can attest to the qualifications of each individual listed under section 3. b. above;
 - e. A description of the mission of the respondent organization;
 - f. A facility and service plan describing the population of veterans to be served and how the facility is to be used to provide activities and services for veterans;
 - g. Estimated expenses;
 - h. Estimated fee revenue and funding sources to support required expenses with sufficient explanation to convey an understanding of how revenue will be generated;
 - i. A description of loans required to meet planned expenditures and evidence of ability to secure such loans, if applicable;
 - j. A description of organizational financial resources available to support the business plan with supporting documentation to evidence cash reserves, and/or ability to secure a line of credit of a specified amount;
 - k. Confirm ability to provide security deposit of \$1,000.

4. Identification of exceptions taken to any part of this RFP and lease agreement and a statement why.

VI. Proposal Evaluation

1. Rule for Award: The most advantageous proposal from a responsive and responsible proposer, taking into consideration all Comparative Evaluation Criteria set forth below, will be selected. An Evaluation Committee, appointed by the Town Manager, will review all proposals and recommend to the Town Manager the proposal it deems most advantageous, taking into consideration the evaluation of the technical proposals, non-monetary benefits to the community, the quality of the references (minimum of 3), and the price proposals. The Town reserves the right to interview finalists. While price proposals will be considered in the final award, it is expressly noted that the Town may not award the lease to the proposal with the highest proposed rent. The Evaluation Committee shall waive minor informalities as defined by Chapter 30B or allow the proposer to correct them. The Evaluation Committee shall assign a composite rating to each proposal and submit the ratings to the Town Manager. The Town Manager shall determine the most advantageous proposal and, if deemed in the best interest of the Town, award a Lease Agreement subject to approval of the Select Board.

2. Minimum Requirements: The following minimum items are required to constitute a Responsive and Responsible Proposal.

- a. A completed Technical Proposal submission – See Section V. above
- b. A completed General Bid form – Attachment A
- c. Certificate of Non-Collusion & Tax Compliance – Attachment B
- d. If applicable, certification of Vote of the Organization’s Board of Directors Authorizing Submittal of the proposal and execution of a contract – Attachment C
- e. A completed Price Proposal form - Attachment D
- f. References – Attachment E

3. Comparative Evaluation Criteria: Proposals will be evaluated by the Evaluation Committee according to the following criteria:

Ranking	Service Delivery Experience	Knowledge of Veteran Community	Service Plan	Financials	Price (Rent)
Highly Advantageous	Each of 3 or more Principals of respondent organization demonstrate at least 3 years of experience delivering services to veterans.	Proposal demonstrates knowledge of a wide range of issues of interest and concern to the diverse population of Falmouth veterans.	Proposal describes a variety of services and programs designed to meet wide range of concerns and interests of Falmouth veterans.	Proposal provides realistic estimates of expenditures and a plan to raise revenues required to meet them.	Rent is \$4,000 or more per year.
Advantageous	In combination, the principals of respondent organization demonstrate at least 3 years of experience delivering services to veterans.	Proposal demonstrates knowledge of issues of interest and concern to a subset of Falmouth veteran population.	Proposal describes services and programs designed to meet a limited range of concerns and interests of Falmouth veterans.	Proposal provides realistic estimates of expenditures but does not provide a plan to raise revenues required to meet them.	Rent is greater than \$500 per year but less than \$4,000.
Not Advantageous	In combination, the principals of respondent organization demonstrate less than 3 years experience related to the proposed uses of the Property.	Proposal does not demonstrate knowledge of issues of interest and concern to Falmouth veteran population.	Proposal does not describe services and programs designed to meet concerns and interests of Falmouth veterans.	Proposal does not provide realistic estimate of expenditures or Revenues.	Rent is less than \$500 per year.

**Attachment A:
General Bid Form**

GENERAL BID FORM

The accompanying **Bidding Forms** are hereby submitted in response to the RFP cited above. All information, statements and prices are true, accurate and binding representations of its intentions and commitments in responding to this RFP.

Name of Individual Submitting Proposal on behalf of Respondent:			
Address:			
Phone:		Email:	

For the Respondent:

X _____ (Signature)

Date: _____

Name of Individual: _____

Title: _____

Name of Business: _____

**Attachment B:
Certificate of Non-Collusion and Tax Compliance**

Non-Collusion Statement

The undersigned certifies under penalties of perjury that this bid has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Taxes Paid Certification

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am/my company is in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and Vendors, and withholding and remitting child support.

For the Respondent:

X _____ (Signature) Date: _____

Name of Individual: _____

Title: _____

Name of Business: _____

**Attachment C:
Certificate of Corporate Vote**

CERTIFICATE OF VOTE

This is to certify that at a special meeting of the _____

[Board of Directors/ Executive Committee...] of the _____, located at

_____, at _____, 2020, with a quorum being present and voting, it was

VOTED that _____ is authorized to sign this proposal.

A TRUE COPY

ATTEST: _____

Secretary/Clerk

**Attachment D:
Price Proposal Form**
(Submit this form in a separate sealed envelope)

Proposed Rent to be Paid to Town by Lessee:

Proposed Rent, Per Year, for Year 1 thru Year 5:

A.) \$ _____

If Lease is Renewed, Proposed Rent
Per Year for Year 6 thru Year 20:

B.) \$ _____

**Attachment E:
References**

Provide at least 2 references with who can attest to the qualifications of each individual listed in the Technical Proposal (Section V.) under item 3. b.

Name	Address	Phone #	Email (optional)

**Attachment F:
Maps**

The property that is offered for lease under this RFP consists of a structure constructed for the purpose of a senior center with a finished area of approximately 4,000 square feet and the adjacent grounds at 300 Dillingham Avenue. The lessee shall have nonexclusive use of the parking area as detailed in the lease. The remainder of the 1.6 acre parcel of land on which it is located is not subject to this lease. The approximate area offered for lease is outlined in red in the image below.

**Attachment G:
Lease**

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 Veterans of Foreign Wars Post #2569 a veteran's organization, with an address of 300 Dillingham Avenue, Falmouth, Massachusetts 02540 (the Tenant). Hereinafter follows the terms and conditions of the lease

1. Authority:

This lease is authorized by Article 23 approved at the November 14, 2019 Annual Town Meeting held in said Falmouth. A copy of Article 23 is attached hereto as Exhibit A. See also Massachusetts General Laws ch. 40, sec. 9.

2. Granted Premises

Landlord hereby leases to Tenant the building known and numbered 300 Dillingham Avenue, Falmouth, MA 02540 (hereinafter referred to as the "Premises"), the parking lot and the landscaped grounds surrounding said building as depicted in Exhibit B. 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. The Landlord shall retain the right to use the parking lot for any municipal purpose provided such use does not interfere with the Tenant's use of the same. The Landlord retains exclusive use and occupancy of the storage room at the south end of the building for the storage of election equipment.

The Premises are used by the Landlord as a polling location for elections. The Lessor shall have exclusive use, control and occupancy of the Premises for one business days before any election, on election day and for one business day thereafter. During this time, no representative or person associated with the Tenant shall enter the Premises, except to vote.

3. Term

The lease term shall commence on ~~November 16, 2020 (which date is hereinafter referred to as the "Commencement Date")~~ _____. The term of this Lease shall be for five (5) years following the Commencement Date and may be renewed by mutual agreement for up to four (4) additional 5-year terms. ~~This Lease will terminate in the event the Massachusetts Attorney General disapproves Article 19 of the April, 2020 Annual Town Meeting, which changed the zoning to permit the use of the property authorized by this Lease~~

4. 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. Landlord shall maintain electric, heating, water service and sewer system connection. Tenant shall keep the Premises in good order and repair, including replacement of broken glass. 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, except when used by the Lessor as a polling place.

5. Use of Premises

- a. It is understood that Tenant intends to use the Premises for any purpose associated with a veteran's organization.
- b. It being the intention of the parties to this Lease that it be a fully and completely "net" lease, Tenant further agrees to conform to the following provisions during the entire term of this Lease:
 - i. Tenant shall be responsible for all maintenance and upkeep and shall not allow any trash or rubbish to accumulate on the Demised Residential Premises during the Lease Term. Further Tenant shall be responsible for repairs of all Tenant caused damage to the Demised Residential Premises during the Lease Term, including any damage caused by the Tenant's employees, agents, contracts, guests and invitees.
 - ii. Tenant shall maintain the perimeter of the Demised Residential Premises that abuts the adjacent properties in neat and orderly condition, including controlling weed growth by cultivation, and mowing within ten (10) feet of the adjacent properties.
 - iii. Tenant shall be responsible for snow removal except on the day of an election in which case Landlord shall be responsible for snow removal.

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. All 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 the trade fixtures installed by the tenant for the

purpose of carrying out its business, 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, telephone, cable television, internet any other utility used or consumed in the Premises.

8. Assignment Subletting

Tenant shall not have the right to assign or sublet the premises without the consent of the Landlord.

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

The Tenant shall, pay in the amount of ~~One (\$1.00) Dollar~~ _____ per year payable on the Commencement Date and on the Anniversary of said date each year thereafter.

12. Insurance

Tenant agrees to maintain during the term hereof and until all of Tenant's responsibilities have been satisfied hereunder a policy of general liability insurance on an occurrence basis under which the Landlord is named as an additional insured. Such policy shall not be cancelled, non-renewed or modified without at least thirty (30) days prior written notice to Landlord. The minimum limits of liability of such insurance shall be not less than One Million Dollars (\$1,000,000.00), combined single limit, for personal injury and death, and for property damage arising out of any one incident or disaster. The Tenant shall provide the Landlord and said Landlord's designees with a new Certificate of

Insurance, showing the Landlord as additional insured, 30 days prior to the expiration of the then current insurance policy or policies in force.

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

13. Fire and Casualty

In case during the term hereof the Demised Residential Premises or any facility thereon shall be partially or substantially damaged by fire or other casualty, neither Tenant nor Landlord shall have the obligation to restore the damaged facilities. If, however, Tenant elects not to restore, it shall so notify Landlord in writing within one hundred eighty days (180) of the damage, and raze the damaged improvements and remove all debris at its expense within ninety (90) days of giving notice not to restore.

14. Indemnification

The Tenant hereby indemnifies, and shall protect, defend 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.

15. 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 veterans' organization 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 all rents as they come due, or Landlord may sue and recover without entering into 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.

16. 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.

17. 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 to the addresses set forth on the first page of this lease or an officer of the Tenant, and sent via email to the addresses below:

For the Landlord:
townmanager@falmouthma.gov

For the Tenant:

18. 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.

19. 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.

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. A copy of the Tenant's Certificate of Good Standing and accompanying clerk's certificate are attached hereto as Exhibit C and D respectively.

IN WITNESS WHEREOF Landlord, and Tenant, have signed and sealed this lease this day of _____ 2020.

Landlord by the:
TOWN MANAGER
THE TOWN OF FALMOUTH

Date

Julian Suso, Town Manager

Tenant by its President/Commanding Officer:

Date

President/Commanding Officer
Veterans of Foreign Wars, Post #2569

Approved as to form:

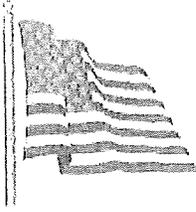
Frank K. Duffy, Town Counsel

Exhibit A – Article 23 of the November 19, 2019 Town Meeting Warrant

Exhibit B – Map of Premises

Exhibit C – Tenant’s Certificate of Good Standing

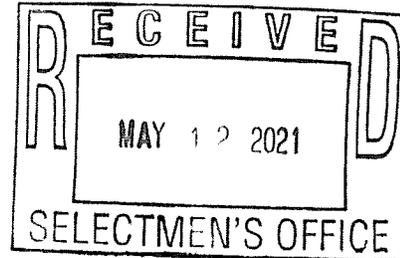
Exhibit D – Clerk’s Certificate



Falmouth
VETERANS OF FOREIGN WARS
E.H. Gardiner Post 2569
PO Box 02396
Teaticket, MA 02536-2396



May 10, 2021



Mr. Julian M. Suso
Town Manager
59 Town Hall Square
Falmouth, MA 02540

Dear Mr. Suso,

I have been made aware that the Town of Falmouth plans to solicit an RFP for the old Senior Center on Dillingham Ave. As you know, both the VFW and the DAV have been forced to hold their monthly meetings wherever they could find space around the town. This has made it impossible for either organization have an actual base from which to provide veteran services.

For some time now, the VFW has been attempting to obtain a lease from the Town of Falmouth for the old Senior Center, and has recently sent a letter to the Town Attorney, Mr. Frank Duffy, Esq., (2 April 2021), requesting a copy of the lease. To date there has been no response to that letter.

The VFW has stated, again and again, that it is their intention that the old Senior Center would first become a home for VFW Post 2569, secondly would provide space for the DAV Chapter 81, and very importantly, would provide space for qualified and proven organizations who provide services for the area's veterans. To that end, VFW Post 2569 has entered into an agreement with the Cape Cod Veterans Outreach Center, (22 January 2021), and recently has had communications with Dr. Lawrence Connell, Director of VAMC Providence, R.I. This has resulted in a referral to Dr. Monty VanBeber of the VA Clinic in Hyannis, (27 April 2021), allowing them the use of the VFW facilities in the old Senior Center. To date our efforts to accomplish this have been frustrated by the Town, and, also what appears to be someone within the Town who is acting as an agent for another organization.

Massachusetts General Law Chapter 40, Section 9 states that "A city or town may, for the purpose of providing suitable headquarters for such posts of any veteran's organization incorporated or chartered by the Congress of the United States," *i.e.* VFW Post 2569 and DAV Chapter 81. Article 23, designating the old Senior Center building for use by VFW Post 2569, was passed by Falmouth Town Meeting at their 29 November 2020 meeting by a "resounding vote"

(The Falmouth Enterprise). Questions about ownership of the land the old Senior Center sits on were addressed by the School Committee who approved a transfer of the building and 1 acre of land for use by the VFW.

The VFW has recently been advised that the official vote at the Town Meeting was instructional to the Select Board to enter into a lease with terms, with the VFW, and must be heeded by the Town. To ignore this Town Meeting mandate would truly be unfortunate for all citizens of Falmouth.

We, VFW Post 2569 are left to wonder whether the Town of Falmouth is, in fact, anti-veteran, given their current course of action. It would be very unfortunate if both the VFW and the DAV are to truly become homeless and the concept of a Veterans Service Center simply another casualty of questionable practices of the Town. VFW Post 2569 would appreciate a response to this letter within a two-week period.

Respectfully submitted,



Ahmed A. Mustafa, Commander VFW Post #2569

cc

Maura Healey – Mass, Attorney General

Dr. Lawrence Connell - VAMC Providence, R.I.

Kelly Welch – Falmouth School Committee

Joseph K. Taylor – Cape Cod Veteran's Outreach Center

Boston Globe – spotlight.com

William Hough – Falmouth Enterprise

Edward Lambert – WXTK - Hyannis

Lisa Hughes – WBZ – TV/CBS Ch4

Hal J. Roesch II – VFW National Commander

Stephen Whitehead – DAV National Commander

- e. Approve appointment of Ray Jack as Falmouth representative to the Joint Base Cape Cod Military-Civilian Community Council (MCCC)

Diane Davidson

From: Peter Johnson-Staub
Sent: Tuesday, May 18, 2021 9:53 AM
To: Diane Davidson
Cc: Julian Suso
Subject: May 24th Agenda - JBCC Appointment

Diane,

It appears that there is another advisory committee we may want to appoint Ray Jack to. Could you please add the following to Administrative Orders? I've copied below the summary information on this Civilian Community Council found on the JBCC website.

“Approve appointment of Ray Jack as Falmouth representative to the Joint Base Cape Cod Military-Civilian Community Council (MCCC)”

Joint Base Cape Cod Military-Civilian Community Council (MCCC)

The MCCC meets to discuss projects and policies that affect the southern 5,000 acres, or cantonment area, of the base.

Past topics have included the *Joint Land Use Study* and its implementation, *Homeland Defense/Homeland Security training* opportunities at the JBCC, and *residential development* bordering the JBCC. Members sitting on the MCCC include representatives from Falmouth, Mashpee, Sandwich and Bourne; representatives from the Air and Army National Guards, the U.S. Coast Guard, PAVE PAWS, the Air Force Center for Engineering and the Environment; representatives from the Cape Cod Commission, the Association to Preserve Cape Cod and the Wampanoag tribe. The MCCC meets quarterly, or as needed.

Thanks,
Peter

Peter Johnson-Staub
Assistant Town Manager
Town of Falmouth, MA
O: 508-495-7320

www.falmouthma.gov - The Town of Falmouth website has a new look and a new address!

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

From: Megan English Braga <attymeb@gmail.com>
Sent: Tuesday, May 18, 2021 9:28 AM
To: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Cc: Julian Suso <julian.suso@falmouthma.gov>
Subject: Re: [Non-DoD Source]

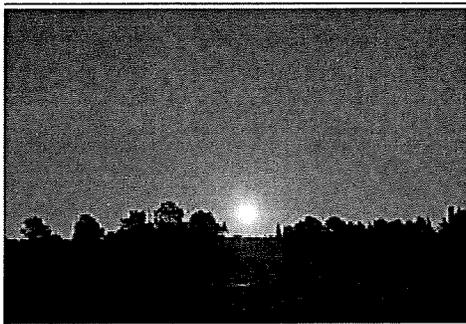
The SAC is comprised of scientists and engineers recognized for their expertise in the areas of public health, water protection, wildlife habitat management, and land use management.

SAC meeting minutes.

Joint Base Cape Cod Military-Civilian Community Council (MCCC)

The MCCC meets to discuss projects and policies that affect the southern 5,000 acres, or cantonment area, of the base.

Past topics have included the *Joint Land Use Study* and its implementation, *Homeland Defense/Homeland Security training* opportunities at the JBCC, and *residential development* bordering the JBCC. Members sitting on the MCCC include representatives from Falmouth, Mashpee, Sandwich and Bourne; representatives from the Air and Army National Guards, the U.S. Coast Guard, PAVE PAWS, the Air Force Center for Engineering and the Environment; representatives from the Cape Cod Commission, the Association to Preserve Cape Cod and the Wampanoag tribe. The MCCC meets quarterly, or as needed.

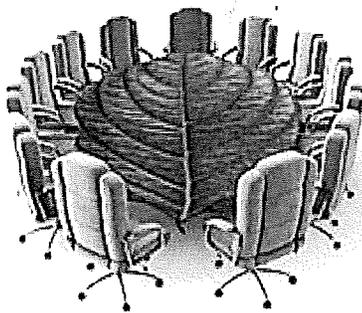


Environmental & Readiness
Center



Massachusetts Army National Guard **Environmental and Readiness Center** CAMP EDWARDS ARMY NATIONAL GUARD TRAINING SITE

Advisory Groups



There are several community advisory teams that meet to discuss specific issues related to Joint Base Cape Cod. The Environmental & Readiness Center supports five of those teams, which meet on a regular basis to discuss issues ranging from the environmental clean up programs, to current activities occurring in the training area, to issues of mutual interest that affect both the military and the surrounding Upper Cape towns.

All meetings are open to the public and are advertised in the local Enterprise newspapers. Notices of upcoming public meetings are distributed monthly via e-mail and regular mail and appear here on our website. *To receive these notices please call 339-202-9369.*

Senior Management Board (SMB)

The SMB meets to discuss ongoing base environmental issues.

The SMB provides an important forum for towns and agencies to review, discuss, and influence the progress of Joint Base Cape Cod (JBCC) cleanup. Selectmen representatives from Falmouth, Mashpee, Sandwich and Bourne sit on the SMB. Other members include the Environmental Protection Agency, the Massachusetts Department of Environmental Protection, the Wampanoag Tribe, the Environmental & Readiness Center, the U.S. Coast Guard, and the Camp Edwards commander. The SMB is a forum for citizen teams, such as the Plume Cleanup Team (PCT), to bring forward their issues, concerns, ideas, and recommendations. The SMB meets the fourth Wednesday of every other month.

SMB meeting minutes.

Environmental Management Commission (EMC)

The EMC meets to discuss the oversight, monitoring, and evaluation of all activities that occur on the northern 15,000 acres of Camp Edwards.

The EMC was established by Massachusetts state law, *Chapter 47 of the Acts of 2002*, to ensure the protection of the drinking water supply and wildlife habitat on the northern 15,000 acres of Joint Base Cape Cod. Members of the EMC are the commissioners of the Massachusetts Department of Fish and Game, the Massachusetts Department of Environmental Protection, and the Massachusetts Department of Conservation and Recreation. The EMC is supported by two advisory councils: the Science Advisory Council and the Community Advisory Council. The EMC, and both advisory councils, meet quarterly. For more information about the EMC and its advisory boards, contact Len Penaud at 508-946-2871.

EMC meeting minutes.

Community Advisory Council (CAC)

The CAC meets to discuss the oversight, monitoring, and evaluation of all activities that occur on the northern 15,000 acres of Camp Edwards.

The CAC includes representatives from the towns of Falmouth , Mashpee, Sandwich and Bourne, the US Coast Guard, the Air National Guard, the Army National Guard, the Barnstable County Sheriff's Department, the Cape Cod Commission, the Wampanoag Tribe, the Upper Cape Regional Water Supply Cooperative, and at-large members.

CAC meeting minutes.

Science Advisory Council (SAC)

The SAC advises the Environmental Management Commission on technical issues related to the oversight of the northern 15,000 acres of Joint Base Cape Cod.

- f. Vote to accept donation of lot abutting Shiverick's Pond off Katharine Lee Bates Road from The 300 Committee Land Trust, Inc.

QUITCLAIM DEED

THE 300 COMMITTEE LAND TRUST, INC., a Massachusetts non-profit corporation, having a principal place of business at 157 Locust Street, Falmouth, Massachusetts 02540 ("Grantor"), in consideration of Nominal Consideration of less than ONE HUNDRED (\$100.00) DOLLARS paid, grants to **THE TOWN OF FALMOUTH**, a municipal corporation, organized under the laws of the Commonwealth of Massachusetts, having a mailing address of 59 Town Hall Square, Falmouth, Massachusetts 02540 ("Grantee"), with **QUITCLAIM COVENANTS**, certain property and any improvements thereon more particularly described on Exhibit A attached hereto, incorporated herein and made a part hereof (the "Premises").

The Premises are conveyed subject to and with the benefit of all easements, rights, and other encumbrances of record, if any, insofar as the same are now in force and applicable.

This lot shall be used only for open space, conservation, and passive recreation purposes.

This transaction has been authorized by Article 28 of the Falmouth Annual Town Meeting held on September 14, 2020 in said Falmouth. A copy of the voted article is attached hereto as Exhibit B.

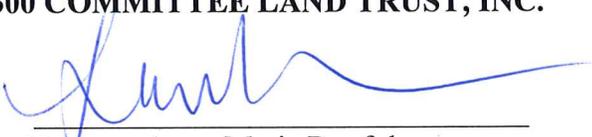
The sale of this property does not constitute all or substantially all of the assets of Grantor.

PROPERTY ADDRESS: 0 Katharine Lee Bates Road, Falmouth, MA 02540

[Signature Page Follows]

14th IN WITNESS WHEREOF, Grantor has caused this Deed to be executed as of this day of May, 2021.

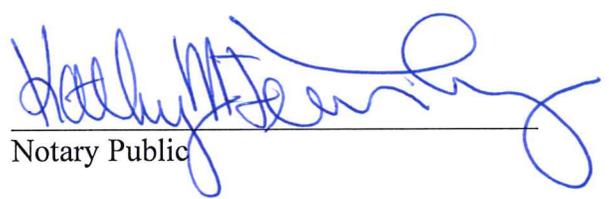
THE 300 COMMITTEE LAND TRUST, INC.

by: 
Name: Anne-Marie Runfola
Title: President

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss.

On this 14th day of May, 2021, before me, the undersigned notary public, personally appeared Anne-Marie Runfola, proved to me through satisfactory evidence of identification, being (check whichever applies): driver's license or other state or federal governmental document bearing a photographic image, or my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by her voluntarily for its stated purpose as President of The 300 Committee Land Trust, Inc.


Notary Public

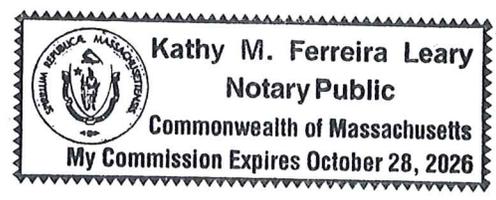


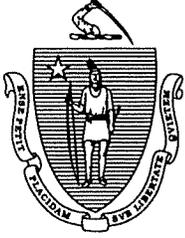
Exhibit A
Legal Description

Real property in the Town of Falmouth, County of Barnstable, Commonwealth of Massachusetts, described as follows:

LOT 3

LAND COURT PLAN 30337-A

For title reference see Certificate of Title No. 205652.



William Francis Galvin
Secretary of the
Commonwealth

The Commonwealth of Massachusetts
Secretary of the Commonwealth
State House, Boston, Massachusetts 02133

Date: May 04, 2021

To Whom It May Concern :

I hereby certify that according to the records of this office,

THE 300 COMMITTEE LAND TRUST, INC.

is a domestic corporation organized on **August 22, 1985**

I further certify that there are no proceedings presently pending under the Massachusetts General Laws Chapter 180 section 26 A, for revocation of the charter of said corporation; that the State Secretary has not received notice of dissolution of the corporation pursuant to Massachusetts General Laws, Chapter 180, Section 11, 11A, or 11B; that said corporation has filed all annual reports, and paid all fees with respect to such reports, and so far as appears of record said corporation has legal existence and is in good standing with this office.



In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

Certificate Number: 21050106250

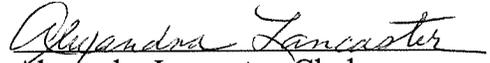
Verify this Certificate at: <http://corp.sec.state.ma.us/CorpWeb/Certificates/Verify.aspx>

Processed by: ili

CERTIFICATE OF VOTE
OF THE BOARD OF DIRECTORS OF THE 300 COMMITTEE LAND TRUST, INC.
March 2, 2021

VOTED: That, on March 2, 2021, ANNE-MARIE RUNFOLA, President, and/or GARY VOSTOK, Treasurer of The 300 Committee Land Trust, Inc. ("T3C"), were authorized on behalf of T3C to take all steps necessary in connection with the conveyance of Lot 3 shown on Land Court Plan No. 30337A, dated October 24, 1960 for nominal consideration of less than \$100, to the Town of Falmouth, Massachusetts. In furtherance thereof, ANNE-MARIE RUNFOLA, President and/or GARY VOSTOK, on behalf of T3C, were expressly authorized to execute and deliver any and all closing documents necessary with respect to the closing, including the settlement statement, affidavits and any such other closing documentation reasonably required by to effectuate the transfer (the "Closing Documents").

VOTED: On March 2, 2021, it was voted that the execution of the Closing Documents by ANNE-MARIE RUNFOLA, President or and/or GARY VOSTOK, Treasurer, on behalf of T3C shall be evidence that the Closing Documents are satisfactory in form and substance to the Board of Directors of T3C.


Alexandra Lancaster, Clerk
A true copy attest

**ARTICLE 28
AND THE VOTE THEREON AT
THE ANNUAL TOWN MEETING
CONVENED IN FALMOUTH, MASSACHUSETTS
SEPTEMBER 14, 2020**

ARTICLE 28: To see if the Town will vote to authorize the Board of Selectmen to accept the donation of a parcel of land, Map 38A 09 019A 003 containing 29,440 ± square feet, more or less, which is located on Katherine Lee Bates Road, as referenced in The 300 Committee Land Trust letter of July 18, 2019 for the purpose of contributing additional public open space as a component of the Shiverick's Pond Trail project. The 300 Committee's gift is contingent on Town Meeting's vote to approve the Community Preservation Committee funding of the Shiverick's Pond Project thereon. Or do or take any other action on the matter. On request of the Board of Selectmen.

VOTED: By a unanimous vote, a quorum being present on Monday, September 14, 2020 the Town voted Article 28 as printed.

A TRUE COPY ATTEST



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

ACCEPTANCE

We, the undersigned members of the Select Board of the Town of Falmouth, Massachusetts, accept the transfer of title of the land described in the deed attached hereto as of this 24th day of May, 2021

Town of Falmouth
By its Select Board

, Chairman

, Vice Chairman



- g. Vote to approve Grant of License to New Silver Beach Improvement Association to install a lifeguard stand on the Town Beach at Silver Beach Avenue, North Falmouth

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts 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 One and 00/100 (\$1.00) Dollar and of the covenants contained herein, does hereby grant to Silver Beach Improvement Association, Inc., with a principal office at 17 Colby Road, Wellesley, MA 02482 the following license to place, erect and maintain a lifeguard stand, on within the unimproved end of Silver Beach Avenue at the beach.

This license is granted upon the following expressed conditions:

- a. The lifeguard stand shall be a wood frame structure with approximate dimensions of 2'8"L X 4'11'W X 9'3"H; the location of the lifeguard stand is shown on a sketch plan attached hereto as Exhibit A.
- b. Said license is revocable by the Select Board at any time when it deems it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, his successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds.
- c. Upon such revocation, the grantee, his successors and assigns shall, if and when directed by the Select Board, remove said lifeguard stand from the Town's property.
- d. If the grantee, its successors and assigns, fails to remove said lifeguard stand all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the grantee, his successors and assigns to the Town upon demand.
- e. Until such revocation, this License shall continue indefinitely.
- f. The grantee, its successors and assigns, shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of all activity undertaken by the grantee in reliance upon the grant of this License. The grantee shall be responsible for maintenance and repair of the lifeguard stand and shall keep the same in a safe condition.

- g. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations.
- h. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Select Board, hereto duly authorized this 24th day of May, 2021.

Town of Falmouth
By its Select Board

, Chairman

, Vice Chairman

Commonwealth of Massachusetts
County of Barnstable

On _____, before me, the undersigned notary public

personally appeared

name(s) of signer(s)

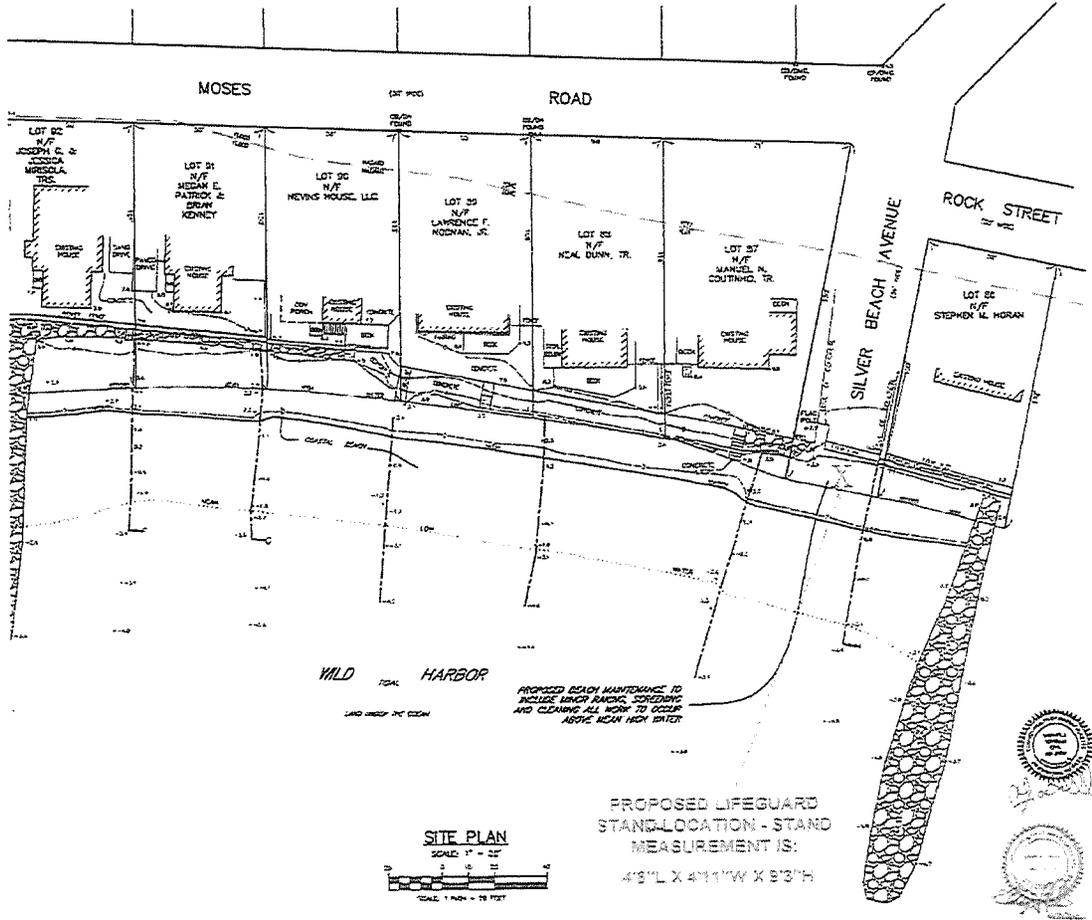
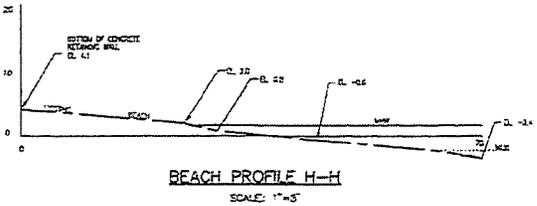
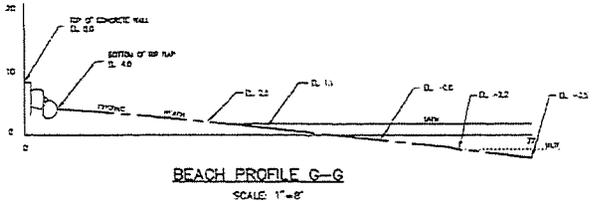
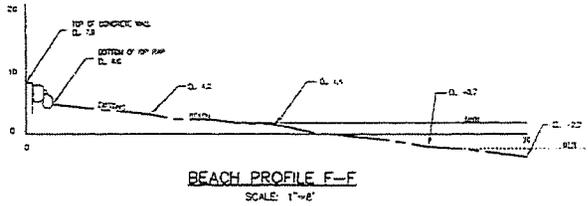
personally known to me

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

to be the person(s) whose name(s) is/are subscribed to the within instrument and who acknowledged to me this instrument is (his)(her) free act and deed.

WITNESS my hand and official seal.

Signature of Notary Public



- GENERAL NOTES:**
1. ZONING DISTRICT: R2
 2. FLOOD HAZARD ZONE: V15 (EL. 17) & V15 (EL. 20)
 3. TOPOGRAPHIC INFORMATION COMPILED FROM AN OLD GROUND SURVEY
 4. ELEVATIONS SHOWN ARE BASED ON NORTH AMERICAN VERTICAL DATUM 1988

LEGEND

---	EXISTING 12" CONDUIT
-+-	EXISTING SPOT ELEVATION
---	EXISTING HYDRANT
---	EXISTING CONDUIT WITH DRILL HOLE
---	DRILL HOLE

SITE PLAN AND BEACH PROFILES
PREPARED FOR
NEW SILVER BEACH ASSOCIATION, INC.
FALMOUTH, MA

PLAN DATE: JUNE 3, 2020 PLAN SCALE: AS SHOWN

ONE DIMENSION		SCALE FORMING
WORKMAN SHOWN		DIGITAL DIMENSION
FILE & PRINT PLANE		TEXT AND LEGEND
LINE USE PLANNING		CONSTRUCTION

17 ACADITY LAKE SUITE 200 - FALMOUTH, MA - 02540 - 508-450-1220
PROJECT NUMBER: 10000-000-FILE NAME: 10000-0000-DRAWING.PLT: LAL (SHEET 2 OF 2)

h. Vote to approve Grant of License to Elaine Aresty to maintain an existing stone wall located at 141 Sippewissett Road, Falmouth

GRANT OF LICENSE

The TOWN OF FALMOUTH, a Municipal Corporation and political subdivision of the Commonwealth of Massachusetts having its usual place of business at 59 Town Hall Square, Falmouth, Barnstable County, Massachusetts acting by and through its duly elected Board of Selectmen, in consideration of One and 00/100 (\$1.00) Dollar and of the covenants contained herein, hereby grants to Julian M. Aresty and Elaine C. Aresty, Trustees of the Elaine C. Aresty 2001 Trust, under Declaration of Trust dated August 1, 2001, whose address is 5 Oak Park Circle, Lexington, MA 02420 the following license to maintain a retaining wall for 141 Sippewisset Road, Falmouth, MA within the layout of Sippewisset Road for Lot F on Land Court Plan 3375-C.

A sketch plan of the approved location of the licensed landscaping and features is attached hereto.

This license is granted upon the following expressed conditions:

- a. Said license is revocable by the Select Board at any time when they deem it appropriate to revoke the same in the best interest of the Town of Falmouth and/or public convenience, safety and needs; the Town may revoke this license by sending a notice to the grantee, its successors and assigns at the above-referenced property address and by thereafter within a reasonable time recording a Notice of Revocation of License in the Barnstable County Registry of Deeds;
- b. Upon such revocation, the grantee, its successors and assigns shall, if and when directed by the Select Board, remove all encroaching landscaping, lawn and curb from the Town's road layout and restore any disturbed area to its original condition;
- c. If the grantee, its successors and assigns, fails to remove said encroachment, all the expenses of the Town to do same or have the same done or any expenses arising from the failure to comply with this license, including attorney's fees, costs and expenses and contractor fees shall be paid by the grantee, its successors and assigns to the Town upon demand, and if not so paid, shall, upon the recording of a Notice thereof in the Registry of Deeds or Registered Land Division, constitute a lien on said property, without limiting any other rights of the grantor;
- d. Until such revocation, this License shall continue permissively;
- e. The grantee, its successors and assigns shall be forever obligated to indemnify, defend and hold harmless the Town of Falmouth, its agents, officers, officials and employees for any and all claims, actions, suits, or demands for personal injury or property damage arising out of the licensed encroachments and the grant of this License.

Property: 141 Sippewisset Road, Falmouth, MA
Title Reference: Certificate No. 220227

- f. Nothing contained in the License shall authorize the grantee, its successors and assigns to do any work or undertake any activity or to continue any activity not otherwise in full compliance with all applicable laws, rules and regulations; and
- g. The terms, conditions, agreements and covenants contained herein shall be binding on the grantee, its successors and assigns.

IN WITNESS WHEREOF, the seal of the Town of Falmouth is affixed hereto and these presents executed and delivered in its name and behalf by its Select Board, hereto duly authorized this 24th day of May, 2021.

Town of Falmouth
By its Select Board

, Chairman

, Vice Chairman

Commonwealth of Massachusetts
County of Barnstable

On _____, before me, the undersigned notary public

personally appeared

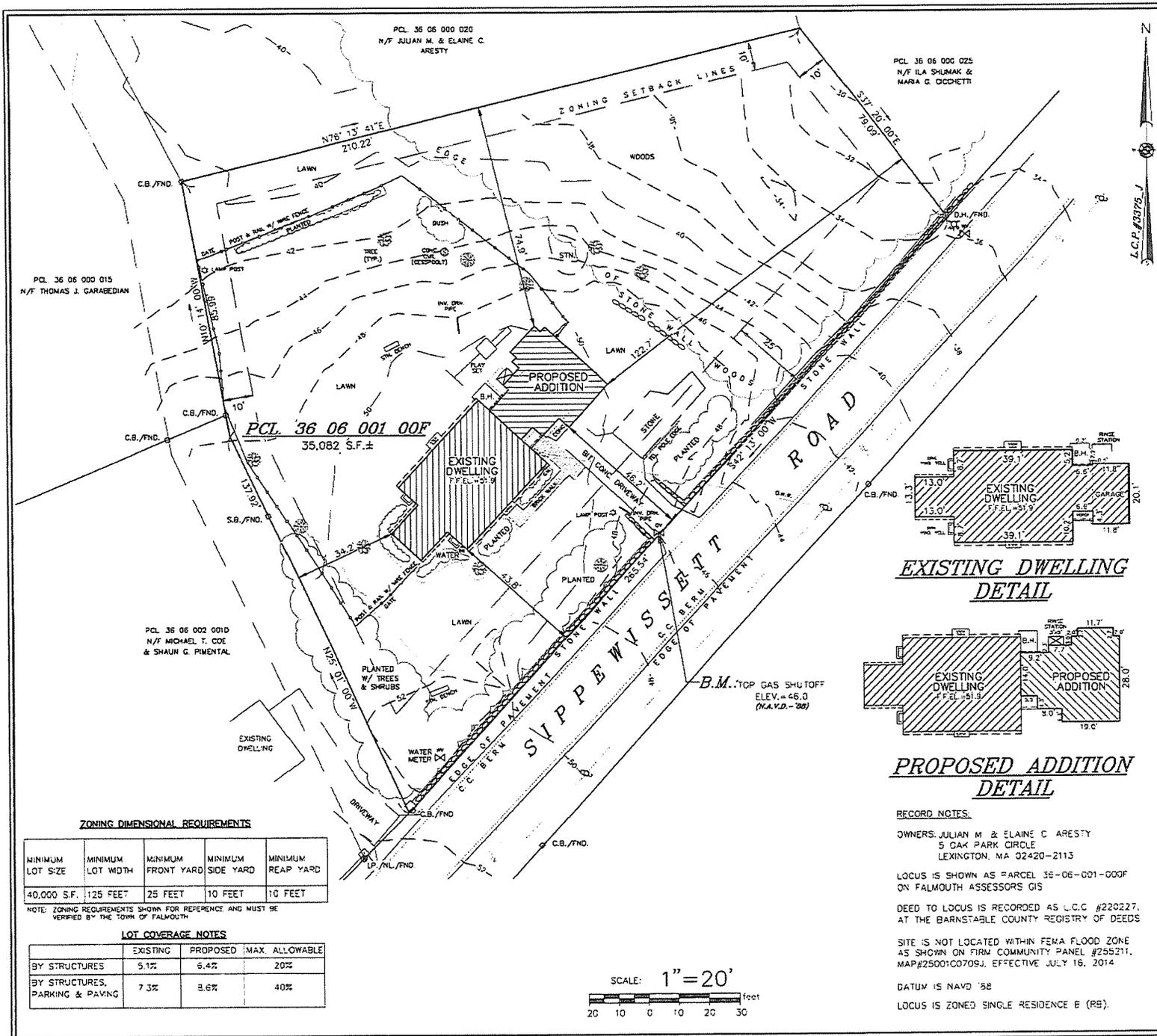
_____ name(s) of signer(s)

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

_____ to be the person(s) whose name(s) is/are subscribed to the within instrument and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of (his)(her) knowledge and belief.

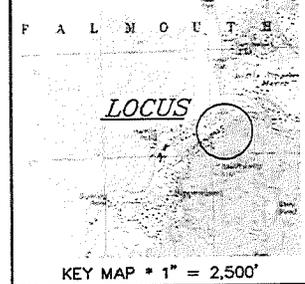
WITNESS my hand and official seal.

_____ Signature of Notary Public



REVISIONS:	DESCRIPTION	DATE
No.		

CONSTRUCTION NOTES:
 ALL UNDERGROUND UTILITIES SHOWN WERE COMPILED ACCORDING TO AVAILABLE RECORD PLANS AND ARE APPROXIMATE ONLY. WE ASSUME NO RESPONSIBILITY FOR DAMAGES AS A RESULT OF INACCURATELY SHOWN OR OMITTED UTILITIES. SEE CHAPTER 370C, ACTS OF 1983, MASSACHUSETTS GENERAL LAWS. THE APPROPRIATE PUBLIC ENGINEERING DEPARTMENT SHALL BE CONTACTED AS WELL AS DIG-SAFE (PH. NUMBER 1-888-344-7233) PRIOR TO THE START OF CONSTRUCTION.



PREPARED BY:
DEAN'S POINT SURVEY CONSULTANTS
 7 FIRST AVENUE
 LAKEVILLE, MA 02347
 508-813-3069

PROJECT TITLE:
PROPOSED CONSTRUCTION PLAN
 AT
141 SIPPEWISSETT RD.
FALMOUTH MASSACHUSETTS
PCL #36-06-001-000F

PREPARED FOR:
RICHARD BURT
148 BEAVER DAM ROAD
PLYMOUTH, MA 02360

DATE: 04-06-2021
 COMP./DESIGN: RAL
 CHECK: RAL
 DRAWN: RAL
 FIELD: RAL
 LMSI JOB: BURT_FAL
 DWG.No: BURT_FAL_EX

DATE: 04-06-2021
 COMP./DESIGN: RAL
 CHECK: RAL
 DRAWN: RAL
 FIELD: RAL
 LMSI JOB: BURT_FAL
 DWG.No: BURT_FAL_EX

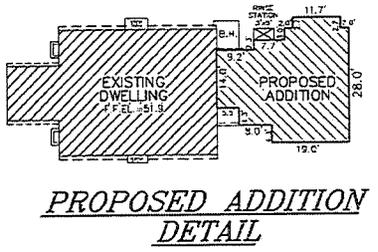
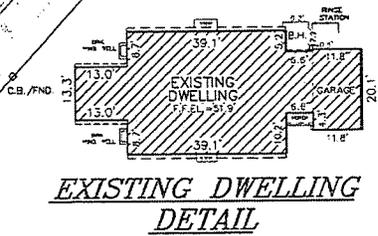
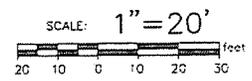
ZONING DIMENSIONAL REQUIREMENTS

MINIMUM LOT SIZE	MINIMUM LOT WIDTH	MINIMUM FRONT YARD	MINIMUM SIDE YARD	MINIMUM REAR YARD
40,000 S.F.	125 FEET	25 FEET	10 FEET	10 FEET

NOTE: ZONING REQUIREMENTS SHOWN FOR REFERENCE AND MUST BE VERIFIED BY THE TOWN OF FALMOUTH.

LOT COVERAGE NOTES

	EXISTING	PROPOSED	MAX. ALLOWABLE
BY STRUCTURES	5.1%	6.4%	20%
BY STRUCTURES, PARKING & PAVING	7.3%	8.6%	40%



RECORD NOTES:
 OWNERS: JULIAN M & ELAINE C ARESTY
 5 OAK PARK CIRCLE
 LEXINGTON, MA 02420-2113
 LOCUS IS SHOWN AS PARCEL 36-06-001-000F ON FALMOUTH ASSESSORS GIS
 DEED TO LOCUS IS RECORDED AS L.C.C. #220227, AT THE BARNSTABLE COUNTY REGISTRY OF DEEDS
 SITE IS NOT LOCATED WITHIN FEMA FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL #255211, MAP#25001C0709J, EFFECTIVE JULY 16, 2014
 DATUM IS NAVD '88
 LOCUS IS ZONED SINGLE RESIDENCE B (RB).

BUSINESS

#1. Discussion/update on COVID-19 issues

- Discussion and vote on local face covering orders

TOWN OF FALMOUTH
BOARD OF SELECTMEN

AGENDA

MONDAY, APRIL 27, 2020 – 7:00 P.M.

SELECTMEN'S 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 April 27, 2020 public meeting of the Falmouth Board of Selectmen 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 Board of Selectmen utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.*
 - a. *Zoom Login instructions:*
 - i. *Instructions and the meeting link for this specific meeting can be found at the following web address: <http://www.falmouthmass.us/BOS>.*
 - ii. *Please plan on 10-15 minutes of preparation time to log in though it may be less if you have previously used Zoom on the device you will use to access this meeting.*
3. *Additionally public comments may be sent in advance of the meeting to selectmen@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/Board of Selectmen'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. Update from School Superintendent, Lori Duerr
4. Steamship Authority Update – Rep. Dylan Fernandes; Kate Wilson, Steamship Authority Rep.

JOINT MEETING – BOARD OF SELECTMEN & BOARD OF HEALTH

5. Discussion of COVID-19 Issues on Multiple Affected Areas
Staff Comments:
 - a. Scott McGann, Health Agent
 - b. Edward Dunne, Police Chief
 - c. Michael Small, Fire Chief

8:00 p.m.

6. Proclamations:
 - a. Police Week – May 10-16, 2020
 - b. Children's Mental Health Awareness Week – May 3-9, 2020
7. Recognition
8. Announcements: Eversource Foundation Donation to Falmouth Service Center
9. Public Comment

8:15 p.m. SUMMARY OF ACTIONS

1. Licenses
 - a. Application for Change of Manager of an All Alcoholic Club License – Portuguese American Association of Falmouth, Inc., 55 Ashumet Road, Hatchville
 - b. Application for Change of Manager of a Second-Hand Dealer License – St. Vincent DePaul Thrift Shop., 18A Davisville Road, East Falmouth
2. Administrative Orders
 - a. Sign Warrant for Special State Election of Tuesday, May 19, 2020
 - b. Vote to Accept 2019 Edward Byrne Grant Funding in the Amount of \$11,390.00
 - c. Vote to Accept Donation Check in the amount of \$1,000.00 from Linda E. and John L. Williams to the Falmouth Fire Rescue Department Donation Account
 - d. Approve Eversource Petition for the Installation of One (1) FO Pole on Palmer Avenue, South of Ter Heun Drive. The proposed location is required for system reliability.
 - e. Approve Eversource Petition for the Installation of Two (2) 6” conduits on Palmer Avenue, South of Ter Heun Drive. The proposed location is required for system reliability.

8:30 p.m. PUBLIC HEARINGS

1. Wetland 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. Continued from March 9, 2020.

8:45 p.m. BUSINESS

1. Discussion on Falmouth COVID-19 Fund
2. Status/Update on FY20 and FY21 Financial Issues – Jennifer Mullen, Finance Director
3. Status/Update Report on Multiple Planned and Ongoing Public Works Projects – Peter McConarty, DPW Director
 - a. Road/Bikeway Maintenance and Improvements:
 - Main Street Water Line Replacement; Queens Buyway Reconstruction; Partial Paving of Brick Kiln Road, Jones Road, Ashumet Road, Palmer Avenue; Chapoquoit Beach Proposed Queue Lane; Trunk River Revetment and Bridge Replacement.
 - b. Design Projects:
 - Main Street (phase 1), Davis Straits (phase 2), Teaticket Highway (phase 3) upgrades; Bikeway Extension from North Falmouth to Bourne; Palmer Avenue Crosswalk to Goodwill Park; Route 151 – Sam Turner/Boxberry Hill/Cloverfield Road Intersection; Route 151 – Sandwich Road Intersection Upgrade; Gifford Street/Jones Road Intersection.
4. Status Report/Update on Special Events
5. Annual Reappointment of Inspectors of Animals
6. Approve 2020 Annual/Seasonal License Renewals:

Lodging House License

Captain Tom Lawrence Inn, 75 Locust St.
Inn on the Sound, 313 Grand Ave.
Woods Hole Passage B&B Inn, 186 Woods Hole Rd.
Elizabeth Hathon, 165 North Falmouth Hwy.
Woods Hole Inn, 28 Water St.

Second-Hand Dealer License

Uncle Bill’s Country Store, 412 North Falmouth Hwy.
St. Vincent De Paul’s Thrift Shop, 18A Davisville Rd.
Village Lamp, 628 West Falmouth Hwy.
Hannoush Jewelers, 352 Main St.
Harmony Hut, 105 Spring Bars Rd.
Hand in Hand Thrift Shop, 141 Sandwich Rd.
Cash Point, 350 East Falmouth Hwy.

7. Minutes of Meetings: Public Session – March 23, 2020
8. Individual Selectmen’s Reports
9. Town Manager’s Report

BOARD OF HEALTH MEETING VOTED MINUTES
JOINT MEETING WITH THE BOARD OF SELECTMEN
APRIL 27, 2020 at 7:00 p.m.
SELECTMEN'S 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 April 27, 2020 public meeting of the Falmouth Board of Health 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 Board of Health utilizing the Zoom virtual meeting software for remote access. This application will allow users to view the meeting and send a comment or question to the Chair via the Chat function. Submitted text comments will be read into the record at the appropriate points in the meeting.

a. Zoom Login instructions:

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

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

3. Additionally public comments may be sent in advance of the meeting to health@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 Health Department to arrange an alternative means of real time participation if unable to use the Zoom virtual meeting software. Documentary exhibits and/or visual presentations should be submitted in advance of the meeting to the Health Agent at health@falmouthma.gov so they may be displayed for remote public access viewing.

Times indicated for the agenda topics are approximate

Present: Diana Molloy, Benjamin Van Mooy, Stephen Rafferty, George Heufelder, Kevin Kroeger
Scott McGann

Also Present: Megan English Braga, Samuel Patterson, Doug Brown, Doug Jones, Susan Moran
Julian Suso, Peter Johnson-Staub, Chief Small, Chief Dunn, Lori Deurr

At 7:01 Megan English Braga called the Select Board meeting to order. She read into the record regulations pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law dated March 12, 2020, applicable to the Select Board meeting and the Board of Health meeting.

At 7:36 Megan English Braga opened the meeting to the Board of Health.

At 7:36 Diana Molloy called the Board of Health meeting to order.

Benjamin Van Mooy read the mission statement:

The mission of the Falmouth Board of Health is to protect and promote the health, safety and well-being of residents and visitors of the Town of Falmouth. The primary functions of the Board of Health to achieve our mission are to: prevent and control disease, enforce state and local regulations, promulgate local health regulations, identify and protect from environmental hazards, and advocate for a healthy community.

Diana Molloy confirmed the attendance:

Benjamin Van Mooy -aye

George Heufelder- aye

Stephen Rafferty-aye

Kevin Kroeger-aye

Diana Molloy-aye

7:40- COVID-19 discussion with the Board of Selectmen:

Board will deliberate on whether to expand on the current state advisory regarding wearing face masks during the COVID-19 pandemic.

Documents:

- Resident correspondence
- Board of Health Orders from other municipalities such as Sandwich, Bellingham and Brookline
- Current state advisory

The discussion included the following:

- Scott McGann reported that he provides an update via FCTV every Friday. There have been 122 cases of Covid-19 in Falmouth to date. Many have recovered. Data is available on the county website and the state DPH web site as well as the town web site. The VNA is doing contact tracing, with assistance provided by the state which has hired 1,000 contact tracers.
- Nursing home cases and cases at assisted living facilities are mandated to be reported.

7:47-Discussion and decision regarding face coverings:

The discussion included the following:

- Diana Molloy read an email from Davien Gould urging the Board of Health and/or Select Board to mandate use of face coverings in public to mitigate spread of Covid-19.
- The Select Board noted that many emails had been received urging that face coverings be made mandatory.
- Concern was expressed that there could be spread by asymptomatic or presymptomatic shedders of the virus.
- With an estimated less than 5% of the population infected, wearing a mask could be the new normal. Wearing a mask is responsible behavior.
- Wearing a mask keeps my droplets contained; we are looking at protecting each other. Many people are out in public without masks.
- The covering does not have to be a mask; it could be a bandana.
- This conversation is an important part of how and when we can reopen. Mandates are a concern because enforcement would be difficult and not everyone has access to face coverings. Benefits include that Falmouth could lower the incidence of transmission and become a safer community.
- Mandates can increase compliance. Even a sock could serve as a face covering and volunteers could distribute masks to the public. This could send a message that Falmouth is a community that emphasizes safety when it is time to open. This is a step towards lowering the incidence of transmission.
- Senior citizens have been observed dodging maskless people in public. This is unacceptable; there is enough information out there that people should be wearing masks in public now.
- Other communities in Massachusetts have mandated that essential workers and their customers wear masks.
- There are several options: essential workers must wear masks: anyone using an essential business must wear a mask: everyone, everywhere in public must wear a mask.
- Masks can serve as a reminder that there is a pandemic. They are not terribly burdensome to wear.
- Masks can help with social pressure to act responsibly.

- In general, a mandate is a good idea at this time. It is part of protecting essential workers. It seems like mandating everyone, everywhere goes too far, though.
- Enforcement could be an issue on places like the bike path.
- Businesses need support to stop the spread. Mandates can help with that.
- Education will have to be a piece of any mandate.
- A mandate can tap people's common sense and desire to do the right thing.

Stephen Rafferty moved that essential workers and anyone using the services of essential workers wear face coverings.

Doug Jones moved for the Select Board that essential workers and anyone using the services of essential workers wear face coverings. Susan Moran seconded.

A roll call vote was taken for the Board of Health:

Benjamin Van Mooy -aye

George Heufelder- aye

Stephen Rafferty-aye

Kevin Kroeger-aye

Diana Molloy-aye

A roll call vote was taken for the Select Board:

Susan Moran-aye

Samuel Patterson-aye

Doug Jones-aye

Doug Brown-aye

Megan English Braga-aye

8:22- Board of Health vote on the Health Agent's Emergency Order Regarding Personal Care Services dated March 19, 2020 issued on the Board of Health's behalf

Health Agent issued orders prior to Governor Baker's emergency non-essential closure orders from March 24, 2020

Document:

Health Agent's emergency order

Gov. Bakers non-essential order

Stephen Rafferty moved to approve the action of the Health Agent. George Heufelder seconded. A roll call vote was taken:

Benjamin Van Mooy -aye

George Heufelder- aye

Stephen Rafferty-aye

Kevin Kroeger-aye

Diana Molloy-aye

At 8:28 Stephen Rafferty moved to adjourn the Board of Health meeting. George Heufelder seconded. All in favor; motion passed.

Relevant Documents

Resident correspondence

Board of Health Orders from other municipalities such as Sandwich, Bellingham and Brookline

Current state advisory

Health Agent's emergency order

Gov. Bakers non-essential order

TOWN OF FALMOUTH

SELECT BOARD

AGENDA

MONDAY, AUGUST 10, 2020 – 6:45 P.M.

SELECT BOARD MEETING ROOM

TOWN HALL

59 TOWN HALL SQUARE, FALMOUTH, MA 02540

In accordance with the Governor's Order Suspending Certain Provisions of the Open Meeting Law, G. L. c. 30A, § 20, relating to the 2020 novel Coronavirus outbreak emergency, the August 10, 2020 public meeting of the Falmouth Select Board shall be physically closed to the public to avoid group congregation.

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

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

AGENDA

6:45 p.m. OPEN SESSION

6:45 p.m. EXECUTIVE SESSION

1. M.G.L. c.30A s.21(a)(3) – Collective bargaining – vote to affirm ratification of one-year contract with Library Union

7:00 p.m. OPEN SESSION

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

7:15 p.m. SUMMARY OF ACTIONS

1. Administrative Orders
 - a. Approve Warrant for 2020 State Primary on Tuesday, September 1, 2020
 - b. Vote to accept donation from Marilyn Yee in the amount of \$500.00 to the Marine and Environmental Services donation account

- c. Vote to approve consent to mortgage – application by Locustfield, LLC for 40B project at 0 Locustfield Road

7:30 p.m. PUBLIC HEARINGS

1. Application for a New All Alcoholic Common Victualler License – The Tea Room, 196 Crystal Avenue, North Falmouth
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. Continued from March 9, 2020; April 27, 2020 and June 15, 2020; July 27, 2020

7:45 p.m. BUSINESS

1. Discussion/update on COVID-19 issues
 - Discussion of suggested “mandatory mask zone”
 - Discussion of Cape Cod Times August 6, 2020 Lifeguard Article
2. Status/update on automatic sprinkler ban
3. Approve request for variance to sign code – Cumberland Farms Inc., located at 8 Old Meeting House Road and 400 East Falmouth Highway, continued from July 27, 2020
4. Announce November 2020 Town Meeting schedule
5. Presentation from Charter Review Committee on proposed articles
6. Vote to change polling place location for Precinct 5
7. Annual town committee reappointments
8. Discussion of special events scheduled from September through December and follow-up actions
9. Discussion on future reopening of town hall/town buildings
10. Minutes of Meetings:
 - Public Session – June 4, 2020; June 15, 2020 (regular and joint meeting)
11. Individual Select Board Member’s reports
12. Town Manager’s report

Megan English Braga, Chair
Select Board

Mr. Jones noted all the continuances were troubling, what was going on?
Attorney Wood said there have been ongoing conversations and they thought they may see Mr. Katchadoorian's application to the Conservation Commission. They have worked hard to resolve, not successful.

Mr. Jones asked about the referenced navigation problems? This was the result of a deposition in pending litigation against the Select Board for constructive approval for the common dock special permit. The only expert they have is the one paid for by Attorney Wood's client. Attorney Wood said that harbor master had no role here and if shellfish was an issue, their noncomment is defacto no comments.

Chair English Braga noted the comment was it was the proposed dock would not have impact on general navigation because only the applicant and abutters would be impacted.

Mr. Brown asked Mr. Agro what the optimum setback is for one of these docks from the end of the bulkhead.

Mr. Agro said the presence of a shoal was identified, it was from the northwestern corner of bulkhead and 6.5 feet to where it drops off quickly. If that shoal was not there, the minimum setback would be the width of the dock itself.

Mr. Brown asked what would be best practice if designing the float arrangement? Mr. Agro said that Mr. Pentikis' boat and float moved back, Mr. Katchadoorian's boat would have to do a similar technique to current due to the shoal. There are concerns with that, if they shortened Mr. Pentikis' dock, it does not affect maneuvering into the spot. Attorney Wall said at 13 ft wide, that is the widest part, not at the bow. Bow to bow, he could actually go forward 4-5 ft to then backup. The arrows presented by Mr. Costa that Mr. Agro drew are not completely accurate. Mr. Agro said he needs to be back far enough so the width of his boat is not touching Mr. Katchadoorian's boat. On the plan, 3-4 ft between boats when at dock.

Mr. Jones noted that the one dock, one boat proposal has been done around Falmouth, allowing storage of 1 boat with the exception of visiting boat for an hour or so tie up. He would condition the 40 ft for docking of one boat all around Falmouth.

Mr. Costa said that all took shape when first pier proposed up the middle. He met with Mr. Katchadoorian and Mr. Pentikis were in his office with no attorneys, tried to work it out, and they cannot agree. They are at an impasse. All continuances and efforts were trying to get to a decision.

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

Findings:

1. Bulkhead is licensed and approved.
2. For many years they had 2 20' floats used at a property with 1 used by property owner.
3. Continuation of 40' makes it difficult for neighbor to use their boat.
4. Application as proposed is possible to navigate, but it is tight area to do that.
5. The applicant proposing to shift 40' to give greater access to the neighbor.

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

7:45 p.m. BUSINESS

1. Discussion/update on COVID-19 issues

Scott McGann, Health Agent, today's count is 238. 11 lifeguards tested positive, some are residents of other towns. Individuals at a nursing home were affected, that has subsided with asymptomatic only. The Health Department is doing enforcement and follow up. Falmouth Hospital at 0 patients with COVID-19. State has seen had an uptick. Outdoor gathering size decreased from 100 to 50 people, food service to restaurant only, practicing use of masks and social distancing. Average about 5 noncluster cases per week.

Mr. Jones said numbers sound great, but many would not count for our numbers, likely residents of where they are visiting from. Look at caseload as being higher than what it is reported.

Sam Patterson asked for update on availability of testing? Scott McGann said averaging 5-600 tests per week in Falmouth. The laboratories are at max., there has been a delay in receiving the test results. CVS, Convenient MD, Mashpee clinic, and Falmouth Hospital are offering the PCR test and that is best at this time. Cape Cod Healthcare requires a doctor's order.

Mr. Brown asked if there was any follow up to the accuracy of the lab used by the Dennis testing site. Mr. McGann said it is unique to the test, results are considered probable cases, up to 30% error rate, and reporting delay. It is recommended that all get tested by the PCR.

- Discussion of suggested "mandatory mask zone"
Mr. McGann said it is about enforcement and trying to drive compliance. This was brought up at the Board of Health (BOH) meeting, they support these zones on Main Street and Woods Hole areas with similar density.

Chair English Braga noted the need to think about who that impacts when talking about enforcement. Who will need to implement/enforce the policies?

Mr. Brown noted the Governor's order is that if you cannot social distance 6 feet apart, you need to wear a mask. Posting signs to put people on notice may help.

Mr. Jones agreed with Mr. Brown and would rather not have the Falmouth Police Department (FPD) take their time to conduct enforcement of the mask zone(s).

Ms. Taylor noted that signs are posted on the bike path, but she does not see people wearing masks. She asked if more information can be provided to the community, noting that she is not advocating for the FPD to take that on.

According to Mr. McGann, when it becomes mandatory, the volume of calls will increase at the Health Department, the mandatory zone can cause those problems. It needs to be clear what the intent is so that Mr. McGann can explain it to those who contact the Health Department.

Chair English Braga noted that even if you have someone to enforce it and can get there in time, it will be spotty. It would not make sense to have a policy if they did not plan for enforcement. To put more work on the FPD or Health Department for enforcement does not seem doable.

FPD Chief Dunne spoke with other PD Chiefs with areas that are mandatory masks. Provincetown does signage, banners, and some visitors do not know the rules. Martha's Vineyard communities educate, have nonpolice officers who are sworn in under the health agent and provide information packets and masks to the public. The FPD is financially strapped this year, no beat people are available because the academy closed down. No walking beat in Woods Hole or on Main Street, he would have to refer back to a civilian to do that.

Dianna Molloy, Board of Health (BOH) Chair, said the BOH is supportive and understand enforcement is the biggest challenge and suggested considering deputizing health ambassadors, sharing information and masks with the public.

Attorney Duffy has no personal experience with health ambassadors, does not see a downside to it. Attorney Mullin noted the Select Board and/or BOH shall use care to prevent spreading of disease.

Mr. Johnson-Staub said that given it is 8/10/20 and hiring new employees takes about a month or so, it is unlikely this is an option for the current season. Volunteers could be located more quickly, need to be thoughtful about following clear directions to the message and their authority.

Mr. Jones suggested proclaiming these areas as mask zones and then worry about the enforcement in the future.

Mr. Patterson wants to be cautious about a rebellious response by someone who may have COVID-19. There is an issue, liability issues.

Mr. Brown asked if there is a supply of mask and flyers they could hand out? Mr. McGann said they would have to get more masks and noted the conversations about this issue are not pleasant.

The Select Board noted that a possibility may be to have two stationary places where there is a sign that says there is a mandatory mask order in place with someone there making masks available along with literature. This would remove the element of a confrontation.

Mr. Brown noted a fine and enforcement would enhance the signage. Mr. McGann said it increases the intensity, doing that is going away from ambassadorship to enforcement.

Mr. Jones is more interested in educating people than enforcement.

Chair English Braga asked if there is something the Select Board needs to do if they make something mandatory and not include a consequence? Attorney Duffy was not sure, if thinking of mandatory zone, they should probably ask someone to think about a plan for enforcement.

Mr. Suso said if the Select Board wants to pursue a voluntary education idea, have a reasonable chance of short term success and enhance the wearing of masks. If you add enforcement, could create unintended consequences.

Diana Molloy, suggested a focus on social distancing, start with the education piece, maybe if things still need to continue, they can plan for enforcement.

Chief Dunne will forward to Town Counsel the policies and procedures from Provincetown and Oak Bluffs. An escalating fine is used in those communities, but emphasis is on education not enforcement.

Mr. Jones motion to create two Mask Advisory Zones in Woods Hole from Water Street to Luscombe Avenue and on Main Street from the Village Green to Shore Street. These are the areas in Town where one must wear a mask because one cannot social distance in these areas. Second Mr. Brown. Roll Call Vote: Chair English Braga, aye; Mr. Patterson, aye; Mr. Brown, aye; Ms. Taylor, aye; Mr. Jones, aye.

- Discussion of Cape Cod Times August 6, 2020 Lifeguard Article
Concern was that some info in the article was incorrect re: CDC best practices.

Mr. Johnson-Staub explained that the Town followed CDC guidelines for lifeguards who tested positive or were exposed to COVID-19. Presentation of some of the details. If an employee is known to have tested positive or has reported symptoms, the employee must be removed from service for isolation. Any employee exposed to someone who is known to have exposure has been removed from service. All employees are required to self screen for COVID-19 symptoms daily. At the start of each workday, employees fill out automated email distribution. Walked through the CDC website FAQ section. Those who had no known exposure and no symptoms were allowed to work after taking advantage of the Town making the testing available.

2. Status/update on automatic sprinkler ban

Steve Rafferty, Water Superintendent, and Peter McConarty, DPW Director.

Mr. Rafferty noted a positive effect from the ban and most are cooperating. Tank level holding steady in the morning hours. Printed door hangers to notify anyone in violation of the ban, put out about 200 flyers so far. There has been no rain fall. Ban was a bit of surprise to people, not unusual to have water bans. Many communities have some sort of water use ban. Managing water supply as we go forward is being addressed, the Town needs to look at getting the Fresh Pond Well back online, but the State owns the water and permits it back to us. Only get water if being used for essential use, looking at irrigation desires with being sure there is enough water for regular needs. Working on interim short term solution for water pressure issues. This ban will remain in effect through around September/October 2020.

SUMMARY OF ACTIONS

#2. SPECIAL EVENTS

Recurring-recommended:

- a. Movies Under the Stars – Falmouth Village Association – Library Lawn – Wednesdays, 6/30/21 – 8/18/21
- b. Falmouth Sprint Triathlon – New England Endurance Events – Surf Drive Beach – Sunday, 7/11/21
- c. Rockin' Recovery Fundraiser Beach Concert – Recovery Without Walls – Old Silver Beach – Thursday, 7/29/21
- d. The Falmouth Walk – Tom Walrath – Town Hall Square Start/Finish – Saturday, 8/14/21
- e. Falmouth Road Race – Falmouth Road Race, Inc. – Woods Hole to Falmouth Heights – Sunday, 8/15/21
- f. Bands for Badges Music Festival – Bands for Badges, Inc. – Cape Cod Fairgrounds – Saturday, 8/21/21
- g. MS Challenge Walk – National MS Society – Start/finish North Falmouth Elementary School, bike path – Saturday, 9/11/21
- h. Striper Fest – On the Water, LLC – Marina Park & Bandshell – Saturday, 9/25/21
- i. ZOOMA Women's Race – Be Inspired Events, LLC – Old Silver Beach, Bike Path, N. Falmouth – Sunday, 9/26/21
- j. Liam Maguire's Irish Pub Almost Five-Miler – PCB Race Management – Start/finish Town Hall Square – Saturday, 10/2/21
- k. Cape Cod Marathon Weekend – Falmouth Running Club – Saturday, 10/30/21 and Sunday, 10/31/21
- l. Falmouth in the Fall Road Race – Falmouth Road Race, Inc. – Woods Hole to Falmouth Heights – Sunday, 11/14/21



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Movies Under the Stars

NAME Falmouth Village Association; Donna Buckley, Secretary

MAILING ADDRESS P.O. Box 614, Falmouth, MA 02541

EVENT DAY & DATE Wednesdays: 6/30, 7/7, 7/14, 7/21, 7/28, 8/4, 8/11 and 8/18/21

RAIN DATE None.

EVENT LOCATION Falmouth Public Library Lawn, 300 Main Street

EVENT TYPE Free Family Movie Night

SET-UP ARRIVAL TIME 3:00 p.m. **EVENT HOURS** 4:00 p.m. – 11:00 p.m.

NUMBER OF ATTENDEES 50+ families

ADDITIONAL DETAILS Movies projected on a screen using LED audio-visual equipment; hired company to setup, run the movies, and take down the equipment. Attendees bring blankets and chairs for seating.

CONDITIONS:

1. The COVID-19 safety rules in place at the time of the event and announcements about picking up trash and no alcohol will be projected on the movie screen.
2. Falmouth Village Association staff and volunteers will be on site to ensure social distance guidelines in place at the time of the event are followed.
3. Organizers to check the area following the events to ensure that no debris or litter is left behind in the park.

PERMIT FEE -- **FILING FEE** \$10.00

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

SELECT BOARD:

ATTACHMENT

The Falmouth Village Association is seeking a permit to continue with its Movies Under the Stars, an annual family movie night. We are planning to use the same format as we used in 2020. The Village Association is partnering with the Falmouth Public Library to use the library lawn to create a safe and healthy place for families to spread out and enjoy a free movie in the Village.

The Board of Library Trustees voted on Tuesday April 20, 2021 to approve the use of the Library Lawn on Wednesday evenings from June 30, 2021 to August 18, 2021.

We plan to schedule 6-7 Wednesday nights between June 30, 2021 and August 18, 2021, leaving 2-3 weeks open for rain dates.

The movies would be free, family friendly, and would begin around 4PM.

We plan to use upgraded audio-visual equipment (LED) to show the movies and plan to hire a company to set up, run the movies, and take down the equipment.

The equipment has the capability to show announcements and we plan to use physical signage as well as display on the movie screen any relevant the COVID-19 Safety Rules, as well as the rules for use of the Library lawn, including specific reference to picking up trash and No Alcohol.

The event will be managed and attended by members of the Board of Directors of the Falmouth Village Association, along with volunteers recruited to assist. Management of the event will include making sure that the social distance guidelines are followed.

The Falmouth Village Association is looking to continue these movie nights to draw attention to and create goodwill amongst residents and visitors to Falmouth Village and the Town of Falmouth.



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME 27th Annual Falmouth Sprint Triathlon

NAME New England Endurance Events, LLC, Kathleen Walker

MAILING ADDRESS 39 Eldridge Rd., Brewster, MA 02631

EVENT DAY & DATE Sunday, July 11, 2021

RAIN DATE None.

EVENT LOCATION Surf Drive Beach

EVENT TYPE Swim-Bike-Run Triathlon

SET-UP TIME Sat., 7/10, 4 - 7 p.m. **EVENT HOURS** 7:00 a.m. – 10:00 a.m.

NUMBER OF ATTENDEES 750 **NUMBER OF VEHICLES** 500

ADDITIONAL DETAILS Access to electricity, water and restrooms at Surf Drive Beach. Organizer will also provide portable restrooms. 9.25 mile bike, 3.1 mile run, 3/10-mile swim. Route attached.

CONDITIONS:

1. No parking on Main Street.
2. No parking on Katharine Lee Bates Road from Library Lane to Gifford Street.
3. Parking plan same as that used in 2015.
4. Contact the Police Department Detail Sergeants 30 days prior to event to schedule appropriate safety provisions.
5. Contact Fire Department 30 days prior to event to arrange for EMS or fire detail.
6. Contact Marine and Environmental Services Department (MES) for boat detail for the in-water portion of the race.
7. Contact Inspectional Services Department 30 days in advance for tent permit and to schedule inspections.
8. Contact Health Department 30 days prior to event for temporary food permit.
9. No markings on pavement.
10. Event organizers to police the race route following the event to ensure any litter or debris is cleared.
11. Organizer to provide a solid waste and recycling plan for the event.

PERMIT FEE \$450.00 **FILING FEE** \$10.00

DEPOSIT \$1,000.00 (Deposit refundable at conclusion of event provided that no litter or damage has occurred.)

SELECT BOARD:



NEW ENGLAND ENDURANCE EVENTS
26TH ANNUAL FALMOUTH TRIATHLON
JULY 11, 2021

- NEW INFORMATION FOR 2021
- EVENT OVERVIEW
- RACE ORGANIZERS
- OPERATIONAL PLAN
- PARKING PLAN
- COURSE ROUTE
- SITE MAP

Contact:

Kathleen Walker
New England Endurance Events
39 Eldridge Rd.
Brewster MA 02631
Cell: (617) 240-4805
Answ. Service: (617) 240-5577
Email: kathleen@neeevents.com

New Information for 2021:

- We will be following a strict set of guidelines in this time of concern over public health and safety. **Please see the attached plan**, which was developed by our staff in conjunction with protocols established by the sport's governing body, USA Triathlon, and the State of Massachusetts.
- The number of participants will be reduced from the usual 700, following state guidelines and after discussion with town officials as the event date approaches.
- As part of this effort to keep the weekend as safe as possible, we are asking that our day-before race-packet pick-up by the participants be allowed to take place at the portico area of either the Mullen-Hall School or the Lawrence School. Most activities would be via drive-through.
- We suggest a change for 2021 and all future events where our staff will conduct set-up operations only in the far eastern corner of the Surf Drive Beach parking lot during daytime hours on the day before the event. Construction of tents, barriers and fencing on the beach and in the parking lot will begin when lifeguards leave at 5pm. We have acquired specialized equipment to allow us to conduct this task quietly...there will be no hammering or loud noises.
- Participants will bring their own nutrition and hydration — there will be no water aid stations on the race course in 2021. There will be no food or refreshments for the participants after the event — aside from available water. There will be no after-race awards ceremony. Participants will be encouraged to leave the area immediately upon completing the event.

Event Overview:

The Falmouth Sprint Triathlon is looking forward to its **26th** running, after last year's postponement due to worldwide health and safety concerns. This is one of the longest running triathlons in the Northeast and also one of the most popular triathlon events in New England.

- Athletes arrive from as far away as Florida and California, and even from Canada and Europe, to participate in this event. Most stay on the Cape for a week or longer.
- Hundreds of Falmouth-area residents and summer residents participate in the "Falmouth Tri" each year.
- See attached sheet for an overview of the event's contribution to the town's economic vitality.
- The Falmouth Triathlon helps the community through its charitable programs:
 - **United Way** (for 2021: their Covid Relief Fund)
 - **Falmouth Rotary Club**
 - **Old Stone Dock Association**
 - **Mae Crossen Memorial Scholarship**
 - **Falmouth Lifeguard Fund**
 - **WHOI** bicycle loaner program (3 bicycles added from our last event)
 - Numerous local school and athletic teams: funds to keep their programs running

Race Directors:

Kathleen Walker: a USA Triathlon level 2 certified race director and a Red Cross certified lifeguard. The managing partner of New England Endurance Events, Kathleen has been director of the race since 2017.

Andy Scherding: EMT trained, he has worked or raced the Falmouth Triathlon almost every year since 1996.

Both Kathleen and Andy stay in regular contact — both in-season and out of season — with town officials such as Beach Superintendent Bruce Mogardo, Police Chief Edward Dunne and race day detail supervisor Sergeant Brian Loewen.

Event Operations:

Event Type: **Sprint Triathlon** – 1/3 mi swim, a one loop 9 mi. bike ride, and a 5K run.

Event Location: The race will begin and end at **Surf Drive Beach**.

Event Date: The proposed event date is **Sunday, July 11, 2021**.

Times: The event will be held from 7:00 – 10:45am. Competitors will begin their swims two or three at a time, every five seconds. This allows for safe social distancing as well as safer lifeguarding. All athletes should be finished by 10:30, with the majority off the bike and run course by 9:30.

Setup/Cleanup: Setup for the event will occur on Saturday, 7/10/2021. During daytime hours all work will be conducted in the far eastern corner of the beach parking lot. In the early evening, specialized equipment will be used to quietly erect the fencing and finish line on the beach. Cleanup will start promptly after the last athlete has crossed the finish line and historically has concluded before noon, with public access to the parking lot beginning at 11. The usual awards ceremony will not be held, likely allowing for an even earlier re-opening of the beach.

Participants: As mentioned earlier, the number of participants will be determined at a later date, following state guidelines and in consultation with town officials.

Stakeholders: The event team will thoroughly communicate and coordinate with these entities, before and at time of the event:

- Falmouth Town Manager
- Falmouth Beach Committee
- Falmouth Police Department
- Falmouth Fire Department
- Falmouth Harbormaster
- Woods Hole Steamship Authority
- U.S. Coast Guard Station Woods Hole
- Old Stone Dock Association

Volunteers: Volunteer organizations as well as area athletes (not participating in the race) will make up the majority of the volunteer positions, with New England Endurance staff handling key roles. All staff and volunteers will wear masks at all times.

Road Conditions: Roads will be open to traffic with Surf Drive Road being heavily monitored and controlled by the Falmouth Police Department. Part of the bike course enters into the campus of WHOI, which has kindly given permission.

Resident Notice: **Resident Notification Signage** that an event will be staged on Sunday will be placed throughout the Surf Drive Beach area, as well as along the bike and run course, five days prior to the event.

Insurance: The triathlon will be **sanctioned** through the USA Triathlon Association, the National governing body for organized triathlon competitions. The insurance coverage gained from proper sanctioning provides comprehensive liability for the town, landowners, participants, and named insureds.

Sanitary Plan: Eight portable restrooms will be provided for the athletes on race morning. In addition the bath house will be open to use providing the additional needed facilities. The portable restrooms will be delivered the day before the event and removed on the first business day after the event. Hand sanitizing stations will be placed by the portable restrooms and throughout the venue.

Recycling/Trash: Trash & recycling dumpsters will be brought in and delivered on the Friday before the event and removed the following business day after the event.

Course Marshals: Volunteers will be placed throughout the course to guide the cyclists and assist police units as needed with pedestrian and traffic control. **There will be a marshal stationed at all points along the course where athlete direction is needed.** A volunteer coordinator will be onsite at the registration area and will make course patrols throughout the morning providing relief when needed. Volunteer contact cards will be distributed upon check-in.

Signage Plan: **Transition Area** will be delineated by metal fencing panels wrapped in printed snow fencing. Fencing will not be erected until late afternoon on Saturday. The finish line will have a finish banner and there will be metal fencing, in addition to snow fencing along the finish line chute. Race directional signage made of coroplast and affixed to a-frames will be placed to direct people along the course. Other traffic control signs and cones will be placed throughout the course to direct the athletes along the route.

Medical Plan: **Falmouth Fire Department** will provide the medical coverage onsite and throughout the race course. We will also have one dedicated ambulance provided by **Coastal Medical** located by the finish line to handle any emergencies. Falmouth Fire will provide a roving course patrol as well as EMS support at the transition area/finish line area/swim area for the duration of the race. The **Surf Drive Beach lifeguards** will be stationed throughout the swim course to assist with the water patrol. The **Falmouth Harbor Master** will provide one patrol boat manned with one of the lifeguards from the beach. We will have at least one lifeguard for every 35 swimmers in the water in accordance with the USA Triathlon sanctioning rules and best practices.

Communications: Radios will be used by all on-site event staff, with the addition of cell phone communication with course directors. All volunteers will be given event staff cell phone numbers and incident action cards so they can appropriately contact event staff. The Race Director and Swim Course director will be in radio communication with the Harbormaster and lifeguards on the water. EMS will also be in contact with the race director by cell phone and radio at all times.

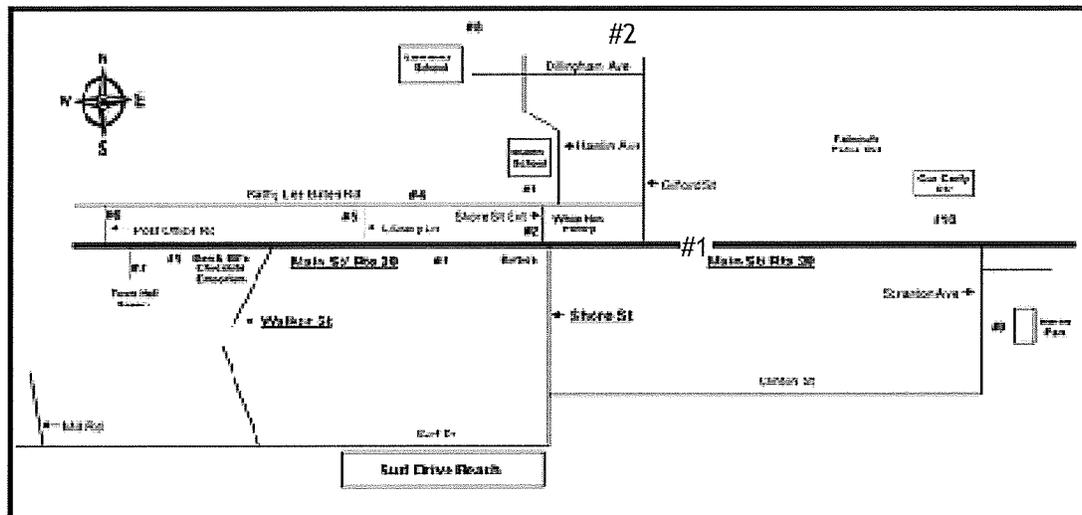
Security: **Overnight security** (a retired police officer) will be in place at Surf Drive Beach at the conclusion of staff set-up the evening before the event, and will remain in place until staff arrives on-site the morning of the event.

Parking Plan: Participants are strongly warned — by pre-race communications, race-day signs and volunteers stationed at intersections — to park only in a parking lot designated for such use (see table below)

Parking Enforcement: The Falmouth police department places **additional officers** at the entrances to the race area on the early morning of the event to enforce the no-parking rule on Main Street and in surrounding neighborhoods.

Participant Parking Areas:

Miles To Beach	Parking Area #	Parking Area Described	Suggested Walking, Cycling Route To Beach From This Parking Area
0.7	1	<u>In</u> Mullen School lot at Kathy Lee Bates Rd	Up Shore St Ext; cross Main St; onto Shore St
0.9	2	<u>In</u> Lawrence School lot (behind Mullen School)	Right onto Hamlin Ave; around left side of Mullen School; right onto Kathy Lee Bates Rd; left onto Shore St Ext; cross Main St; onto Shore St
0.8	4	<u>On</u> Kathy Lee Bates Rd between Gifford St & Library Ln within spaces lined for parking	Up Shore St Ext; cross Main St; onto Shore St
0.8	5	<u>In</u> parking lot at Kathy Lee Bates Rd & Library Ln	Up to Main St; right onto Main St; left onto Walker St
0.8	6	<u>In</u> parking lot at Kathy Lee Bates Rd & Post Office Rd	Up to Main St; left onto Main St; right onto Walker St
0.8	7	<u>In</u> parking lot at Town Hall Square off Main St	Right onto Main St; right onto Walker St
1.0	9	<u>In</u> Marine Park/ Falmouth Town Marina parking lot on Scranton Ave	Left onto Scranton Ave; right onto Clinton St; left onto Shore St
1.3	10	<u>In</u> Gus Canty Center parking lot next to Falmouth Police Station and Guv Fuller Field (baseball)	Cross Main St; onto Scranton St; past Marine Park; right onto Clinton St; left onto Shore St



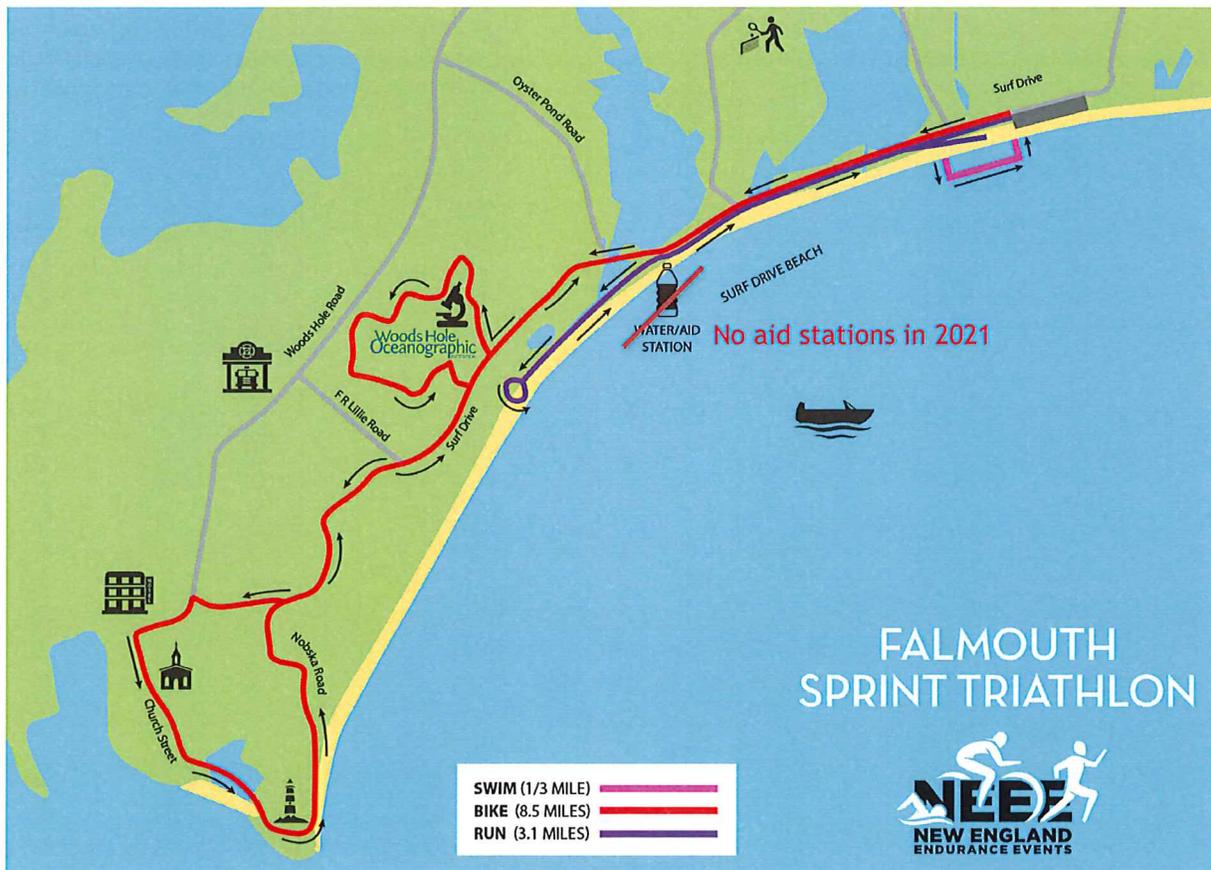
Parking Enforcement Police Detail Locations:

- A) 2 units patrolling Main St. from 0500 hrs – 0730 hrs
- B) 1 unit at Shore and Surf Drive preventing vehicles from coming into the area except local traffic. All traffic to shut down at 7:00 am for race start
- C) 1 unit at Surf Dr. and Walker St., preventing vehicles from coming into the area except local traffic. All traffic to shut down at 7:00 am for race start
- D) 1 unit at Shore St. and Main St. intersection preventing athlete vehicles from entering the area.

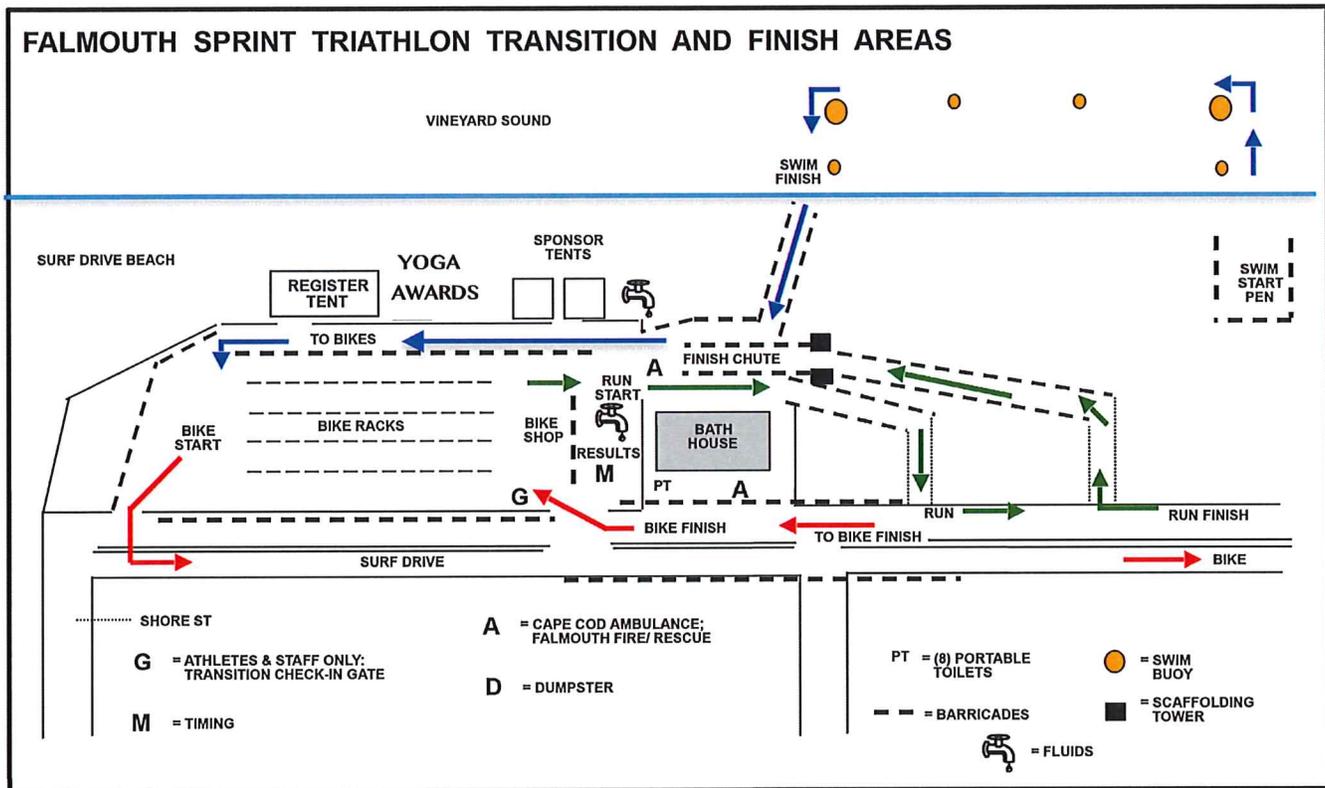
Parking Enforcement Parking Marshal Locations:

- A) 1 Marshal at Shore St. and Clinton Ave/Mariners Ln.. preventing any athlete vehicles to enter onto Surf Dr. and directing them to available parking.
- B) 1 Marshal at Main St. and Walker St. preventing any athlete vehicles to enter onto Surf Dr. and directing them to available parking.

Race Course Route:



Surf Drive Beach Site Plan:



Our promise:

We treasure this race, as it is certainly one of the crown jewels for the sport of triathlon in this region of the country. We will do our utmost to make this event one that is thoroughly enjoyed by its participants with as little inconvenience as possible for town residents. Much like the Falmouth Road Race, this is an event the town should always be proud of, and we will continue that tradition.

This year more than ever, we look forward to working with the Town of Falmouth and all other partners and stakeholders. We welcome your input and suggestions.

Kathleen Walker
 617-240-4805
info@newenglandenduranceevents.com

Andy Scherding
 508-246-6664
andy@qmarketinginc.com



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT Rockin' Recovery (Fundraising Beach Concert)

NAME Recovery Without Walls, William Dougherty

MAILING ADDRESS P.O. Box 591, West Falmouth, MA 02574

EVENT DAY & DATE Thursday, July 29, 2021

RAIN DATE _____

EVENT LOCATION Old Silver Beach (resident side)

EVENT TYPE Fundraiser for Recovery Without Walls

SET-UP/BREAK DOWN 4:00 p.m. / 9:00 p.m. **EVENT HOURS** 5:00 p.m. – 8:00 p.m.

NUMBER OF ATTENDEES 800 **# OF VEHICLES** 200

ADDITIONAL DETAILS Oldies band music. Use of electricity. Use of beach parking lots with self-paid staff. Use of restrooms. Alcohol-free event. Parking in 3 Town lots and one private lot at St. Elizabeth Seton Church. Will also provide 2 port-a-potties.

CONDITIONS:

1. No alcoholic beverages to be consumed on the premises.
2. No fires on the beach.
3. Event organizer to provide trash receptacles at each exit from beach, walk beach after the event to pick up trash, and load onto pick-up trucks and haul away.
4. Six beach parking attendants to work during event to assist in parking.
5. Event organizer to contact Harbormaster (MES) to hire a boat detail.
6. Cover electrical cords to avoid trip hazard.
7. Provide site plan to Fire, Police and Beach department prior to event.
8. Contact Police Detail Sergeant to hire two police details for event traffic.

PERMIT FEE \$200.00 **FILING FEE** \$10.00

DEPOSIT \$1,000.00 (Refundable at conclusion of event provided that no litter or damage has occurred)

SELECT BOARD:



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME The Falmouth Walk

NAME Tom Walrath

MAILING ADDRESS 23 Rivers End Rd., Teaticket, MA 02536

EVENT DAY & DATE Saturday, August 14, 2021

RAIN DATE None

EVENT LOCATION Sidewalks - Start at Town Hall Square; End at St. Barnabas Church

EVENT TYPE 31st Annual Falmouth Walk

SET-UP/BREAK-DOWN 8:30 a.m./1:00 p.m. **EVENT HOURS** 9:30 a.m. – 11:00 a.m.

NUMBER OF ATTENDEES 800 **# OF VEHICLES** None

ADDITIONAL DETAILS Walk to raise funds for 13 Falmouth charities. Followed by a picnic at St. Barnabas. Map attached. Parking at St. Barnabas and Mullen-Hall School.

CONDITIONS:

1. Organizers to police route after event to be sure no litter or debris left behind.
2. No markings on pavement.
3. Contact Inspectional Services Department 30 days prior to event for permit and inspection of tents in excess of 400 sq. ft.
4. Contact Health Department 30 days prior to event for temporary food permit.
5. Organizer to provide a solid waste and recycling plan for the event.

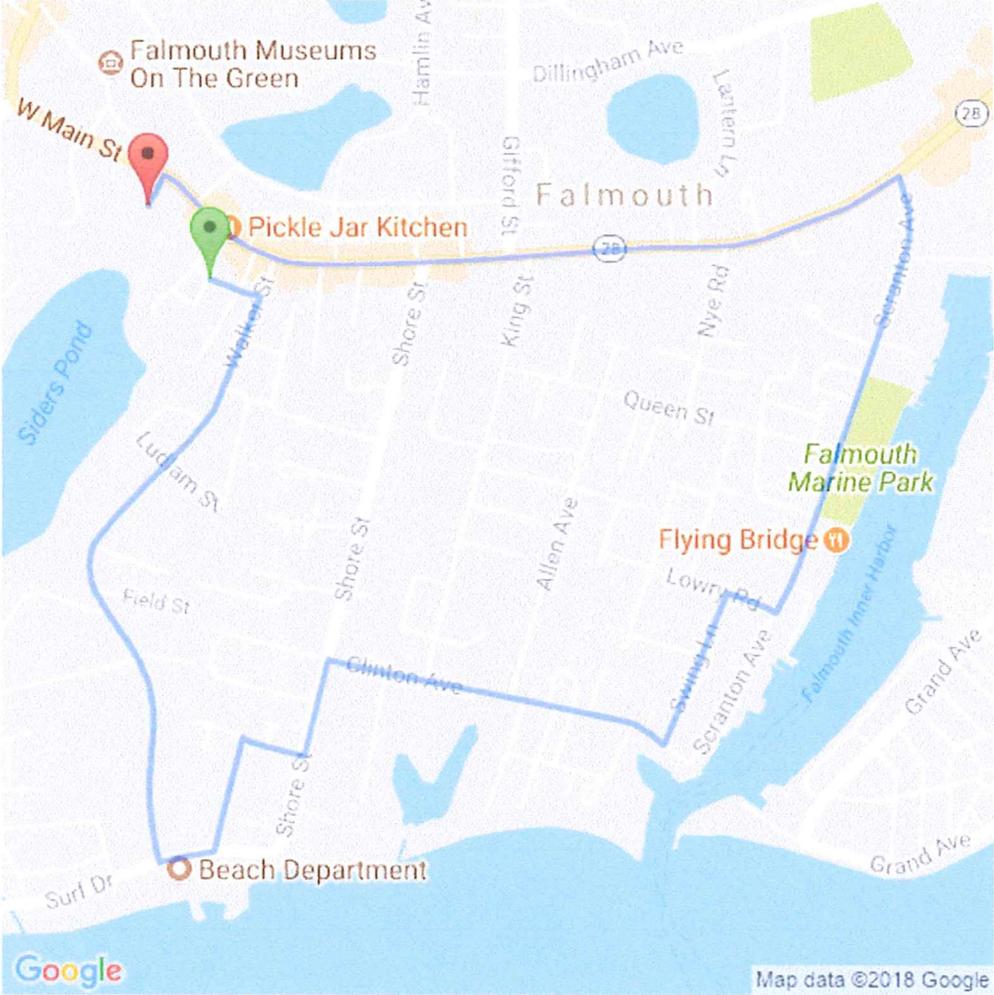
PERMIT FEE \$250.00 **FILING FEE** \$10.00

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

SELECT BOARD:

Falmouth Walk Course Details

The course is a scenic 3.2 miles, starting at Town Hall Square on Main Street and ending at the beautiful St. Barnabas church grounds.





**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME ASICS Falmouth Road Race

NAME Falmouth Road Race, Inc. - Jennifer Edwards, General Manager

MAILING ADDRESS P.O. Box 732, Falmouth, MA 02541

EVENT DAY & DATE Sunday, August 15, 2021

RAIN DATE None.

EVENT LOCATION Woods Hole to Falmouth Heights, and use of Bandshell, Falmouth Heights Ball Field, Lawrence School and Falmouth High School

EVENT TYPE 7-mile road race

Woods Hole & Fal. Hts.

EVENT HOURS 5:00 a.m. – 12:00 p.m. **SET-UP/BREAK DOWN** 8/14 8:00 am; 8/15 2:00 pm

NUMBER OF ATTENDEES 12,800 registrants **VEHICLES** Approx. 100 buses

ADDITIONAL DETAILS 1) Use of electricity at Bandshell for band. 2) Bike valet program at parcel located on corner of Grand Ave. & Crescent Ave. from 6:15 a.m. – 7:45 a.m. (approximately 300). 3) Buses on Katharine Lee Bates Rd. for staging. 4) Temporary use of beach parking lots. 5) DJ at Nobska and at finish, 1-3 person bands along route. 6) Tents at Worcester Ct.

CONDITIONS:

1. Submission of a Certificate of Insurance in the amount of \$1,000,000, including directors and officers coverage, naming the Town of Falmouth and Board of Selectmen as additional insured.
2. Contact Police detail sergeant to arrange for public safety requirements.
3. Contact Fire Rescue Department to arrange medical plan and EMS detail.
4. Contact Harbormaster to arrange for MES detail.
5. Contact Inspectional Services Department 30 days before event for tent permit and inspections.
6. Contact Health Department 30 days before event for temporary food permits and inspections.
7. Provide barricading.
8. Organizer to provide a solid waste and recycling plan for the event.

PERMIT FEE \$450.00 **FILING FEE** \$10.00

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

SELECT BOARD:



asics

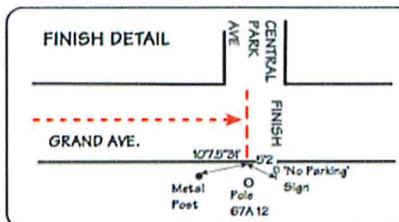
FALMOUTH
ROAD RACE EST. 1973

7 Miles, Falmouth, MA

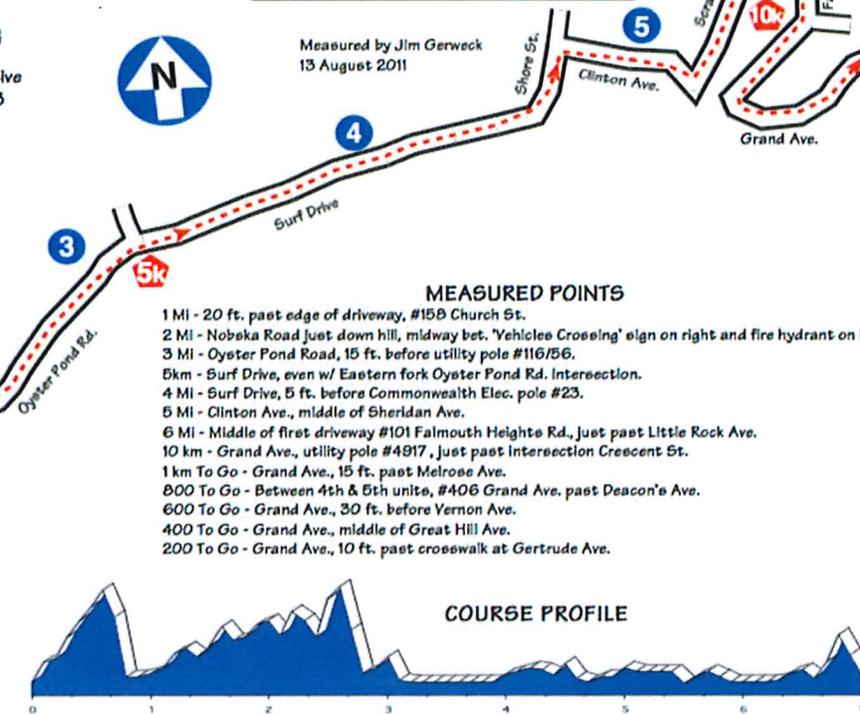
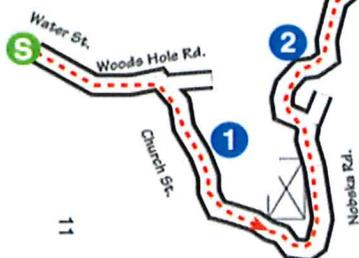


Certified MA13001JRG

This Certification effective
8/5/2013 to 12/31/2023



Measured by Jim Gerweck
13 August 2011



MEASURED POINTS

- 1 MI - 20 ft. past edge of driveway, #15B Church St.
- 2 MI - Nobeka Road just down hill, midway bet. 'Vehicle Crossing' sign on right and fire hydrant on l
- 3 MI - Oyster Pond Road, 15 ft. before utility pole #116/56.
- 5km - Surf Drive, even w/ Eastern fork Oyster Pond Rd. intersection.
- 4 MI - Surf Drive, 5 ft. before Commonwealth Elec. pole #23.
- 5 MI - Clinton Ave., middle of Sheridan Ave.
- 6 MI - Middle of first driveway #101 Falmouth Heights Rd., just past Little Rock Ave.
- 10 km - Grand Ave., utility pole #4917, just past intersection Crescent St.
- 1 km To Go - Grand Ave., 15 ft. past Melrose Ave.
- 800 To Go - Between 4th & 5th units, #406 Grand Ave. past Deacon's Ave.
- 600 To Go - Grand Ave., 30 ft. before Vernon Ave.
- 400 To Go - Grand Ave., middle of Great Hill Ave.
- 200 To Go - Grand Ave., 10 ft. past crosswalk at Gertrude Ave.

COURSE PROFILE



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Bands for Badges

NAME Bands for Badges, Inc.

MAILING ADDRESS P.O. Box 3102, Waquoit, MA 02536

EVENT DAY & DATE Saturday, August 21, 2021

RAIN DATE None

EVENT LOCATION Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy., E. Falmouth

EVENT TYPE Music Concert (Fundraiser)

EVENT HOURS 12:00 p.m. – 10:00 p.m. **SET-UP / BREAK-DOWN** 8/20 /8/22

NUMBER OF ATTENDEES 1,000 **# OF VEHICLES** Not to exceed available parking spaces

ADDITIONAL DETAILS Six bands at different times during the event. One-day beer & wine liquor license application submitted.

CONDITIONS:

1. Contact Police Detail Sergeant one month before event to arrange for adequate public safety requirements.
2. Fire Department requires a site plan that indicates tent sizes and locations. Will also need to know locations of any grills, propane tanks, etc.
3. Rope off section where alcoholic beverages will be sold and consumed.
4. Proof of liquor liability insurance required.
5. Contact Inspectional Services Department one month prior to event for tent permit and to schedule inspection.
6. Contact Health Department 30 days in advance of event for Temporary Food Service Permit for alcoholic beverage vendors and for food vendors and to schedule inspections.

PERMIT FEE N/A (Cape Cod Fairgrounds)

DEPOSIT N/A

FILING FEE \$10.00

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

SELECT BOARD:



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME MS Challenge Walk

NAME National Multiple Sclerosis Society, Emily Rivera

MAILING ADDRESS 101A First Ave., Suite 6, Waltham, MA 02451

EVENT DAY & DATE Saturday, September 11, 2021

RAIN DATE None.

EVENT LOCATION Start/End at North Falmouth Elementary School, Shining Sea bike path

EVENT TYPE Fundraising Walk for MS

EVENT HOURS 8:00 a.m. – 4:00 p.m. **SET-UP/BREAK-DOWN** 8:00 a.m. / 4:00 p.m.

NUMBER OF ATTENDEES 300 **# OF VEHICLES** 3

ADDITIONAL DETAILS Map of route and 6 rest stops is attached. Portable restrooms will be provided at the designated rest stops along the route. Participants will be shuttled to/from start/finish location. Directional cardboard arrow signs for walkers. 10'x10' pop up tents at rest stops. 20' x 30' tent at lunch stop.

CONDITIONS:

1. Contact Police Detail Sergeant 30 days prior to the event to schedule any appropriate public safety provisions.
2. Contact Inspectional Services Department 30 days prior to event for permit and inspection of tents in excess of 400 sq. ft.
3. Event coordinators to arrange for volunteers at any crosswalks along route.
4. Event coordinators to check the area and route after the event to ensure that no litter or debris is left behind.

PERMIT FEE \$250.00 **FILING FEE** \$10.00

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

SELECT BOARD:



**National
Multiple Sclerosis
Society
Greater
New England
Chapter**

Mr. Julian M. Suso
Town Manager
59 Town Hall Square
Falmouth, MA 02540

March 30, 2021

Dear Mr. Suso,

Thank you for your support and consideration of the National Multiple Sclerosis Society and our 2021 MS Challenge Walk this September. Our goal of the event is to raise awareness and close to \$1M that will go toward the continuing fight to end MS. Having our walkers in Falmouth during the weekend of September 11th will be a large part of the continued success of the event.

We are holding our 20th annual Challenge Walk MS from September 10th – 12th, 2021. Challenge Walk is a 3-day, 50-mile walk on the Cape with about 300 participants. We are hoping that our Saturday route this year will take place in Falmouth. I have attached our proposed route along with rest stops. Our walkers would be bussed to Falmouth-High School at 8am on the 11th to serve as the starting point. From there, the walkers would proceed to do a 20-mile loop that would take them down the Shining Sea Bikeway. We would respectfully request the use of the following locations as rest stops:

8/6 North Falmouth Elementary School

- North Falmouth Elementary parking lot: 7am-4pm (bottled water only)
- Grass area next to Shining Sea Bikeway across from Coconut Hut: 7am-3:30pm
- Shining Sea Bikeway parking lot at Old Dock Rd: 7am-3:30pm
- Shining Sea Bikeway at Sea Wall parking lot.: 8:00am-12:00pm
- Mullen- Hall School parking lot (will serve as lunch stop): 9:30am-2:30pm
- Morse Pond School parking lot: 9:30am-2:30pm

At our rest stop locations, we provide a 10'x10' pop-up tent, medical support, water, pre-packaged snacks and portalets for the participants. At our lunch stop location we would provide a pre-packaged meal, along with a 20'x30' shade tent and limited seating. All rest stops will be overseen by volunteer crews who are responsible for setup, cleanup, and enforcement of event rules. All participants are required to complete the route by 4:00pm and will be bussed back to the overnight location.

The route will be marked with 8"x11" orange cardboard arrows that will be removed right after the event. We will hire Falmouth police officers to work safety details where needed. We operate a support team consisting of medical personnel, SAG vehicles, and amateur



**National
Multiple Sclerosis
Society**
Greater
New England
Chapter

(HAM) radio operators. Our lead HAM radio operator monitors all emergency radio frequencies, so that we can close or redirect our route should that become necessary.

If you have any questions or comments regarding this request, please do not hesitate to contact me. We look forward to the opportunity of walking through the beautiful Town of Falmouth.

Best Regards,

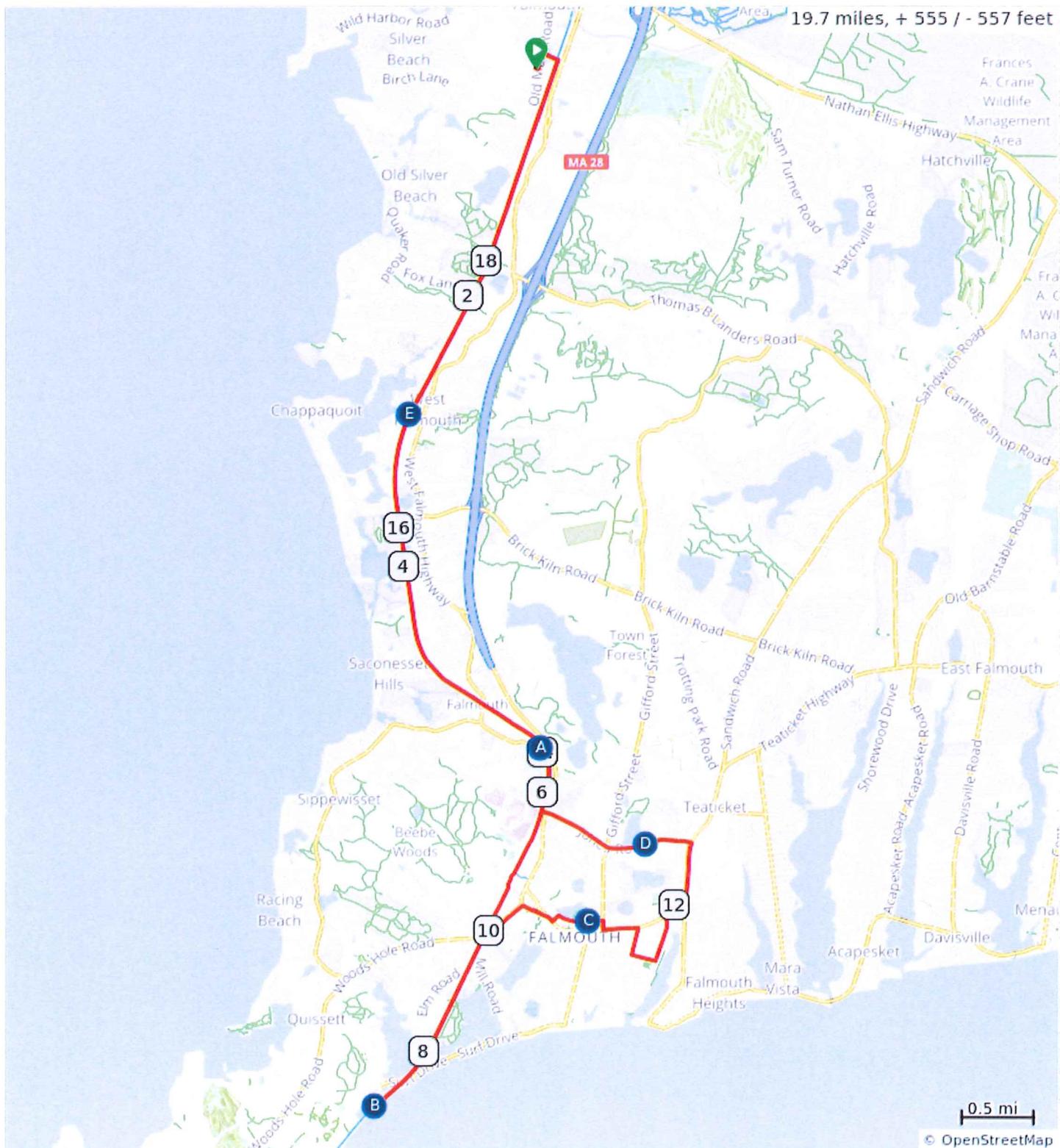
A handwritten signature in black ink that reads "Emily B. Rivera". The signature is written in a cursive, flowing style.

Emily Rivera
Sr. Manager, Event Production
National Multiple Sclerosis Society
101A First Ave Waltham, MA 02451
(P) 781-693-5141
(C) 434-426-4299
Emily.Rivera@nmss.org

2021 Challenge Walk Cape Cod-Day 2



- A. Rest Stop 2 & 6- Grass area across from Coconut Hut
- B. Rest Stop 3- Shining Sea Bikeway & Sea Wall Parking Lot
- C. Rest Stop 4- Mullen-Hall School
- D. Rest Stop 5- Morse Pond School
- E. Rest Stop 1 & 7- Shining Sea Bikeway & Old Dock Rd Parking lot





**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Striper Fest

NAME On The Water LLC – Chris Megan, Publisher/Owner

MAILING ADDRESS 707 Teaticket Highway, East Falmouth, MA 02536

EVENT DAY & DATE Saturday, September 25, 2021

SET-UP / BREAK-DOWN Thursday, 9/23/21 / Sunday, 9/26/21

RAIN DATE Sunday, September 26, 2021

EVENT LOCATION Marina Park and Bandshell

EVENT TYPE Fishing Festival and Awards Ceremony

EVENT HOURS 12:00 noon – 6:00 p.m.

NUMBER OF ATTENDEES approx. 3,000 **# OF VEHICLES** 500+ over course of day

ADDITIONAL DETAILS Entertainment-background band. Requesting use of marina park restrooms. Will also provide portable restrooms. Beer & wine application submitted. Parking at Island Queen lot, Cape Cod 5 lots, grassy area by park and shuttle from Lawrence School.

CONDITIONS:

1. Contact Police Detail Sergeant one month before event to arrange for adequate public safety requirements. Recommend two (2) detail officers to clear traffic and buses on Scranton Ave. & Main St.
2. Rope off section where alcoholic beverages will be sold and consumed.
3. Proof of liquor liability insurance required.
4. Alcohol service stops 15 minutes before end of event.
5. Contact Health Department 30 days in advance of event for Temporary Food Service Permit for alcoholic beverage vendors and for food vendors and to schedule inspections.
6. Coordinate liquor ticket sales to provide time for redemption. Consider earlier end to liquor sales cutoff.
7. Fire Department requires a site plan that indicates tent sizes and locations. Will also need to know locations of any grills, propane tanks, etc.
8. Contact Inspectional Services Department 30 days prior to event for tent permit and to schedule inspection.
9. DPW recommends the applicant explore possibility of contracting the rubbish collection portion of this event.
10. Organizer to provide a solid waste and recycling plan for the event.

PERMIT FEE \$800.00 (\$200/day x 4) **FILING FEE** \$10.00

DEPOSIT \$1,000.00 *(Refundable at conclusion of event provided that no litter or damage has occurred)*

SELECT BOARD:



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Zooma Women's Half Marathon and 10K

NAME Be Inspired Events LLC, Sarah Ratzlaff; Matt Auger

MAILING ADDRESS Sarah Ratzlaff, 5244 Beach River Rd., Windermere, FL 34786

EVENT DAY & DATE Sunday, September 26, 2021

RAIN DATE Monday, September 27, 2021

EVENT LOCATION Start/Finish Seacrest Beach Resort, N. Falmouth, Bike Path, Old Silver Beach resident and non-resident parking lots

EVENT TYPE Half Marathon and 10K Road Race

EVENT HOURS 7:00 a.m. – 11:00 a.m. **SET-UP/BREAKDOWN** 4:00 am/12:00 pm

NUMBER OF ATTENDEES 800 **# OF VEHICLES**

ADDITIONAL DETAILS Route: See attachment to this permit (starts and ends at Seacrest Beach Hotel). Portable toilets provided by race organizers. Trash receptacles and pick-up provided by race organizers.

CONDITIONS:

1. No complete road closures.
2. No permanent markings on road pavement or bike path. Route markings must be either temporary signs or chalk markings or suitable alternative approved by DPW.
3. Contact police detail sergeant at least 30 days prior to event to arrange for adequate public safety requirements.
4. Contact Fire/Rescue Department at least 30 days prior to event to secure required EMS detail.
5. Event locations, parking lots and race route must be checked for cleanliness following the race.
6. Organizer to provide a solid waste and recycling plan for the event.

PERMIT FEE \$450.00 **FILING FEE** \$10.00

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

SELECT BOARD:

ZOOMA

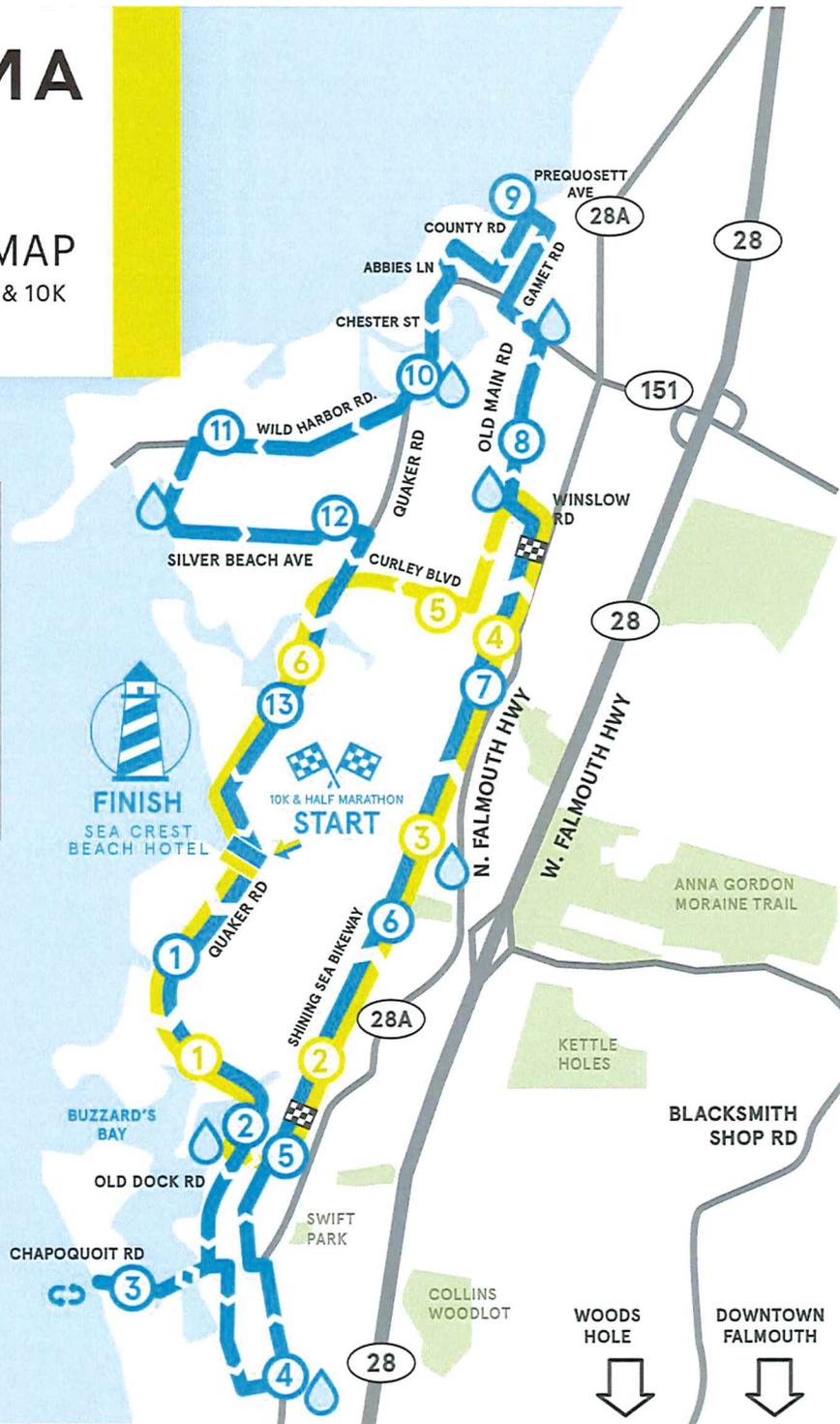
CAPE COD

COURSE MAP

HALF MARATHON & 10K

KEY

-  HM MILE MARKER
-  HM COURSE
-  10K MILE MARKER
-  10K COURSE
-  HM OUT & BACK
-  AID STATION
-  RELAY EXCHANGE ZONE





**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Liam Maguire's Irish Pub Almost Five Miler

NAME PCB Race Management (Courtney Bird, Jack Carroll, Russ Pelletier)

MAILING ADDRESS 43 Sippewissett Rd., Falmouth, MA 02540

EVENT DAY & DATE Saturday, October 2, 2021

RAIN DATE None.

EVENT LOCATION Town Hall Square start/finish

EVENT TYPE Five-mile road race

SET-UP ARRIVAL TIME 7:30 a.m./11:30 a.m. **EVENT HOURS** 8:00 a.m. – 11:15 a.m.

NUMBER OF ATTENDEES 500+/- **# OF VEHICLES** 300+/-

ADDITIONAL DETAILS Course map attached. Porta-johns provided in Town Hall Square. Parking directed to Lawrence School and Mullen-Hall School and Municipal lot between Katharine Lee Bates Rd. and Main St. No race day parking on Main St. or Town Hall Sq. Three-mile marker signs. Water stop only.

CONDITIONS:

1. Locations must be policed for cleanliness following the race.
2. Contact Police Detail Sergeants 30 days prior to event to schedule public safety provisions.
3. Contact Fire Department 30 days prior to event to arrange for EMS or fire detail.
4. Coordinate parking with School Department.
5. Route markings must be either temporary signs or chalk markings.
6. Contact Inspectional Services Department in advance of event for tent permit and inspection.
7. Contact Health Department in advance of event for temporary food permit.
8. Notify property owners on Beebe Acres Road.
9. Organizer to provide a solid waste and recycling plan for the event.

PERMIT FEE \$350.00 **FILING FEE** \$10.00

DEPOSIT \$600.00 *(Deposit refundable at conclusion of event if no litter or damage has occurred.)*

SELECT BOARD:

Liam Maguire's Irish Pub Almost Five Miler

4.9167 miles

Sunday, October 3, 2021 at 9:30 am

Purpose:

To stage a first class road race that is staged for runners by runners and which reflects well on our community. While our purpose is not to be a charity fund-raiser, if we are fortunate enough to have money left over after we pay all our expenses, our intent is to donate that surplus to local charitable non-profits such as the Falmouth Service Center and Around the Table, as we have done in past years.

Projected number of Runners:

400 - 500

Course Description:

The race starts and ends in Town Hall Square. The Start is in the parking lot in front of the Bowling Lanes. Runners will be staged in the parking area near the Odd Fellows Hall and on the lawn by the flagpole and will be brought into the parking lot just prior to the 9:30 start. See attached maps. From the starting line the runners will run south toward Town Hall, around the island, and exit Town Hall Square on Chancery Lane. The course then turns right on Walker Street, then south on Walker, right onto Beebe Acres Road, back around to Walker, south on Walker to Surf Drive, right (west) on Surf Drive to Mill Road, Right (north) on Mill to Cemetery Lane, Left (west) on Cemetery to Locust, Left (south) on Locust to Elm Road, left (south) on Elm to Quonset Road, right on Quonset, back around to Elm, right on Elm to Surf Drive, left (east) on Surf Drive to Walker Street, left (north) on Walker to Chancery Lane, left on Chancery lane to Finish line, located at the entrance to Town Hall Square.

Traffic Control:

For the most part, vehicular traffic is not an issue on the course for the most part, and the roads are not proposed to be closed to traffic. Volunteer course monitors in traffic vests will be positioned at all intersections. The only point on the course where traffic is an issue is 325 feet of Locust Street/Woods Hole Road from Cemetery Lane to Elm Road. This section will require a police detail, with the logistics of traffic control to be worked out with the FPD. During the latter part of the week before the race, signs will be placed along the route to give drivers and residents notice. The only area that will be closed off during the race will be the southeast quadrant of Town Hall Square (see map) where porta-johns, a water station, finish line equipment, medical support, etc. will be located. A 20 x 30 tent may also be set up on the island with the flag pole for post registration and in case of rain. We will apply for a separate permit for that.

Runner Support:

There will be porta-johns located in the Southeast quadrant of Town Hall Square (see map) that will be dropped off the morning of the race around 7:00 am and picked up after the event at noon. Also in the same area will be a water table for runners' use before and after the race. Additionally, one water station will be located at approximately the mid point of the race on Elm Road. There will be medical support as well at the finish and perhaps on the course, and the Emergency Room of Falmouth Hospital will be notified that there is a race on that day. The details of the medical plan will be worked out with the EMT personnel at the Falmouth Fire Department.

Parking:

Parking for the race will be in the public lots between Main Street and Katharine Lee Bates Road as well as the parking lots at the Lawrence School and Mullen Hall. Parking in Town Hall Square will be restricted prior to the race (7:00 am to 9:35 am) in order to keep parking available for the patrons of the bowling alley and Main Street businesses. As soon as the race starts, the lot will be opened for general parking.

Post-Race Activities:

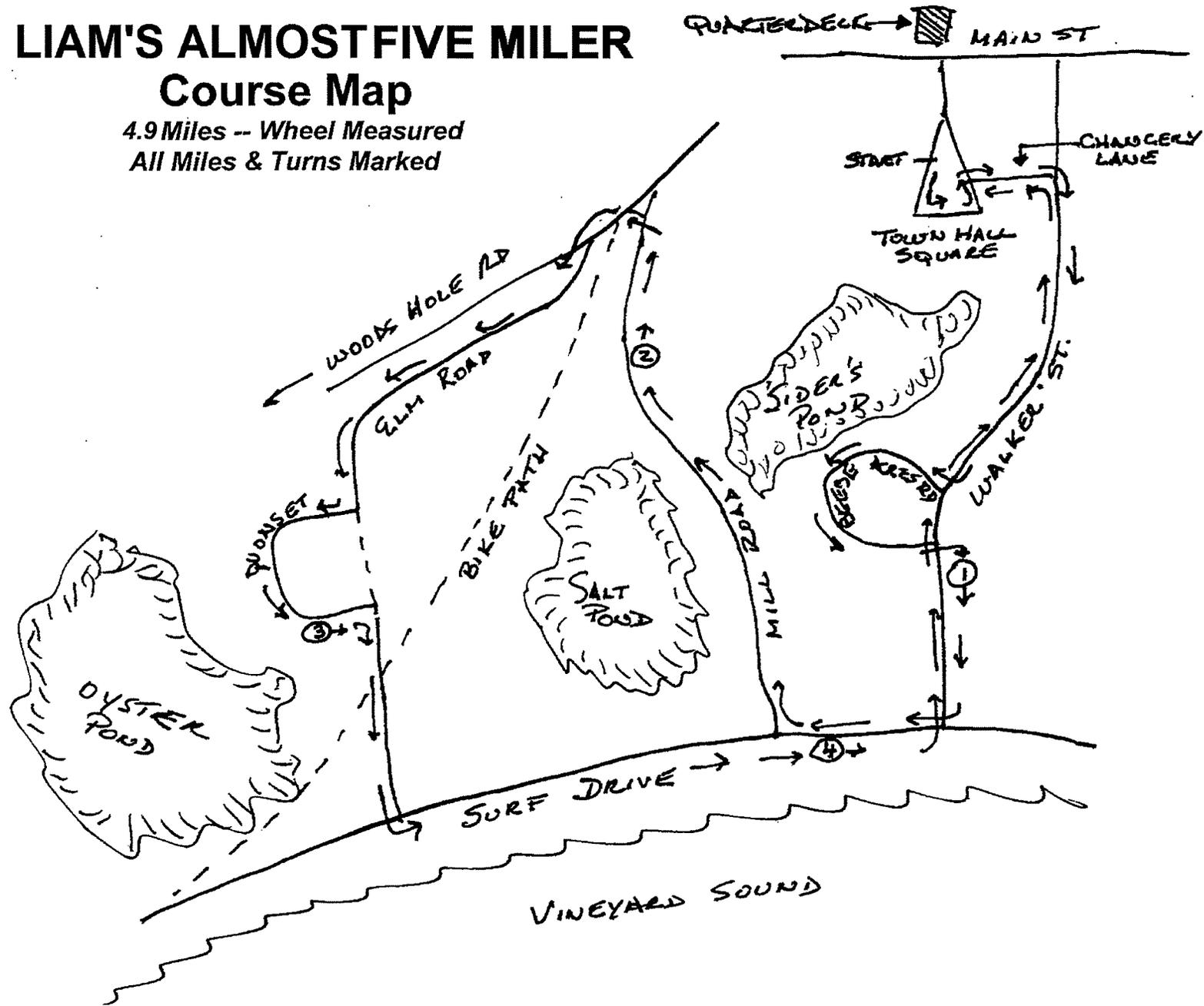
Refreshments, music and the awards ceremony will be held at Liam Maguire's Irish Pub between 10:00 am and noon.

Plan B – Operation Plan in Event of Ongoing Covid Restrictions:

The Event will either be cancelled altogether or postponed until May of 2022.

LIAM'S ALMOST FIVE MILER Course Map

4.9 Miles -- Wheel Measured
All Miles & Turns Marked





**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME 44th Annual Cape Cod Marathon, Half Marathon and Marathon Relay

NAME Falmouth Running Club, Jack Afarian

MAILING ADDRESS P.O. Box 699, West Falmouth, MA 02574

EVENT DAY & DATE Saturday, October 30, 2021 (Half Marathon and 5K) &
Sunday, October 31, 2021 (Marathon, Relay and Kids Fun Run)

RAIN DATE None.

EVENT LOCATION Main Street and Grassy Area in Town Hall Square

EVENT HOURS 6:00 am – 4:00 pm **SET-UP/BREAK DOWN** 6:00 am / 3:00 pm

NUMBER OF ATTENDEES 3,500 **# OF VEHICLES** 1,000

ADDITIONAL DETAILS Porta-johns on sidewalk in Town Hall Square. See attached for additional porta-john locations, details of road closings, signage and new course maps. Parking at Lawrence School and WHOI Quissett Campus.

CONDITIONS:

1. Locations must be policed for cleanliness following the marathon.
2. Contact Police Detail Sergeants 1 month in advance to provide adequate public safety.
3. Contact Fire Department in advance of event to arrange for a Fire or EMS detail.
4. Contact Inspectional Services Department 30 days prior to event for permit for tents in excess of 400 sq. ft. and to schedule inspections.
5. Contact Health Department in advance of event for temporary food permit and to schedule inspection.
6. Contact Recreation Director 508-457-2567 to adjust start time of half marathon ½ hour earlier to avoid conflict with soccer program at Falmouth Heights ball field on Saturday, 10/30/21 and flag football on Sunday, 10/31/21.

PERMIT FEE \$900.00 **FILING FEE** \$10.00

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

SELECT BOARD:



Cape Cod Marathon Weekend

Falmouth, MA



October 30 & 31, 2021

PO Box 699, West Falmouth, MA 02574 • 508-540-6959 • info@capecodmarathon.com

January 8, 2021

Falmouth Select Board
Town Hall
Falmouth, MA 02540

Dear Falmouth Select Board

The Falmouth Track Club requests permission to hold the 44th Annual Cape Cod Marathon, Half Marathon, Marathon Relay and 5K during the same weekend as in previous years. **New this year, we are asking permission to hold a 5K race in conjunction with the Half Marathon.**

The Half Marathon will be run on Saturday, October 30th, 2021 starting at 8:00 a.m. The 5K will be run on Saturday, October 30th, 2021 at 8:15 a.m. The Marathon and Relay will be run on Sunday, October 31st, 2021 starting at 8:00 a.m. The Kids' Fun Run will be run on Sunday, October 31st at 9:00 a.m. Similar to 2019, the Kids' Fun Run will be conducted totally off-road on the campus of the Saint Barnabas Church.

In order to ensure the safety of the participants, the quality of the event, and to mitigate the impact on traffic and congestion in the town, the race committee has decided to limit the number of participants as follows:

- Half Marathon - 2,000 runners
- 5K - 300 runners
- Marathon - 1,200 runners
- Marathon Relay - 200 teams
- Kids' Fun Run - 200 runners.

Similar to 2019, the Marathon Relay event will have four Relay Exchange Zones:

- 1- Falmouth Heights Ball Field
- 2- Kenyon's Market Parking Lot
- 3- Falmouth Heights Ball Field (re-use of Exchange Zone 1)
- 4- Back entrance of WHOI Quisett Campus on Oyster Pond Road

We have received permission from the owner of Kenyon's Market (Mr. Richard LeMoine) to set up Relay Exchange Zone 2 in his parking lot. As was the case in 2019, we will request permission from WHOI to use their Quisett Campus for Relay Exchange 4. See attached Relay Exchange Zone diagrams.

Similar to 2019, **Saturday's Half Marathon permission** should include:

Placement of portable restrooms on town land for the use of the runners of the Half Marathon at the following locations:

- 4 units at Lawrence School from 5:00 a.m.-11:30 a.m.
- 22 two units placed in Town Hall Square on sidewalk in front of Human Services Bldg for the finish line from 6:00 a.m.-11:30 a.m.
- The three Water Stations along the race course

Placement of yellow race signs along the entire race course one-week prior to the event. We have found this signage to be very effective in alerting residents about the race and for minimizing traffic on the course during the race. Removal of the signs will be completed within 24 hours after the end of the event.

New this year, **Saturday's 5K permission** should include:

Use of the Start/Finish Line of the Half Marathon in Town Hall Square. Use of the first 2.5K of the existing Half Marathon course. The runners will run out 2.5K and then turnaround and run back 2.5K. We will not need any additional resources or services to conduct this race.

Similar to 2019, **Sunday's Marathon permission** should include:

Closing of Main Street during the Marathon under the same conditions as 2019, namely:

- Congregational Church side of Main Street closing from the west end of the Village Green at Hewins Street to the east end of the Village Green from 7:00 a.m. to 3:00 pm
- Main Street closing from the east end of the Village Green Road to Walker Street between 7:45 a.m. and 8:15 a.m. for the start of the race
- Main Street closing again from 10:00 a.m. to 2:00 p.m. from Walker Street to the east end of the Village Green. Note that when the number of runners finishing decreases to a point where Main St. can be safely re-opened (typically between 1:15 p.m.-1:30 p.m.), the Start/Finish Director and the Police will make the decision to re-open the road. From that point until the last runner finishes, runners will enter Main St. from Walker St., cross Main St. and run along a coned off lane in the parking zone on the north side of Main St. to the finish line. Police and race volunteers will continue to monitor the intersections and the finish line area. The north side of the Village Green will remain closed to traffic until the race has finished and the area cleaned up (approx. 3:00 p.m.)
- Hewins Street closing of one lane of traffic to allow for placement of porta johns and service vehicles. This allows traffic to still flow in the open lane.

For the Marathon Relay, we are planning again to have race parking at the WHOI Quissett Campus.

Placement of portable restrooms on town land for the use of the Marathon at the following locations:

- West side of the Village Green on Hewins Street
- Parking lot of Lawrence School, which will be used for parking that weekend
- All eight Water Stations along the race course
- All four Relay Exchange Zones

Placement of yellow race signs along the entire race course one-week prior to event. We have found this signage to be very effective in alerting residents about the race and for minimizing traffic on the course during the race. Removal will be completed as in the past within 24 hours after the end of the event.

Permission to erect a starting bridge across Main Street at the starting line of the Marathon to facilitate hanging a start banner across the road.

Permission to cone off a runners' lane on Grand Ave beside the Falmouth Heights Ball Field. This runner's lane will improve traffic flow and enhance runners' safety in that area. The runners' lane will be set up by 8:00 a.m. and removed by 11:30 a.m.

Permission to cone off a runners' lane on Central Ave in the area of the Kenyon's Market parking lot. This runners' lane will be on the west side of the road and there will be alternating one-way traffic during the race. Race volunteers and Police will be on hand to control traffic. This runner's lane will improve traffic flow and enhance runners' safety in that area. The runners' lane will be set up by 8:30 a.m. and removed by 11:30 a.m.

Attached to this application are the following:

- Course Maps of the Marathon, Half Marathon and 5K
- Runner progression tables for the Marathon and Half Marathon
- Turn-By-Turn Directions for both the Half and Full Marathon
- Diagrams of the four Marathon Relay Exchange Zones
- Diagrams of the Start/Finish area for both the Half and Full Marathon

Similar to last year, the race organizers plan to use a parking brigade for event parking on both days at the Lawrence School as that has proven to be very successful at managing the parking in and around the school for the past six years.

We will, once again, collaborate with the Falmouth Police and Fire Departments to work on specific traffic control and related issues. We will work with St. Barnabas Church, the First Congregational Church and Ryan Family Amusements to ensure adequate parking for their members and customers.

The Falmouth Track Club will provide the town with a Certificate of Liability Insurance.

Similar to the last two years, we are requesting permission to hang Cape Cod Marathon pole banners on light posts along Main Street. Proposed dates are Saturday, October 2 through Saturday, November 6 (The Falmouth DPW prefers to hang and remove the banners on Saturdays). We are also requesting permission to hang the pole banners on the light posts in Town Hall Square; the sight of the Half Marathon Start/Finish area. These banners have been well received by runners and town's people as festive additions to our weekend event. We will coordinate with, and compensate, the Falmouth DPW to hang the banners prior to the event and remove them after the event.

As in past years, when there has been early voting, we will work with the Town Clerk to ensure that there is a clear passage lane for cars to get to Town Hall and that there is safety for all of the runners and spectators.

Thank you for your consideration. If you have any questions regarding the above, you may reach me on my cell at (508) 380-1771 or via email at director@capecodmarathon.com. I will also be available to attend the Special Events Meeting when the Cape Cod Marathon Weekend Event is placed on the agenda to answer your questions.

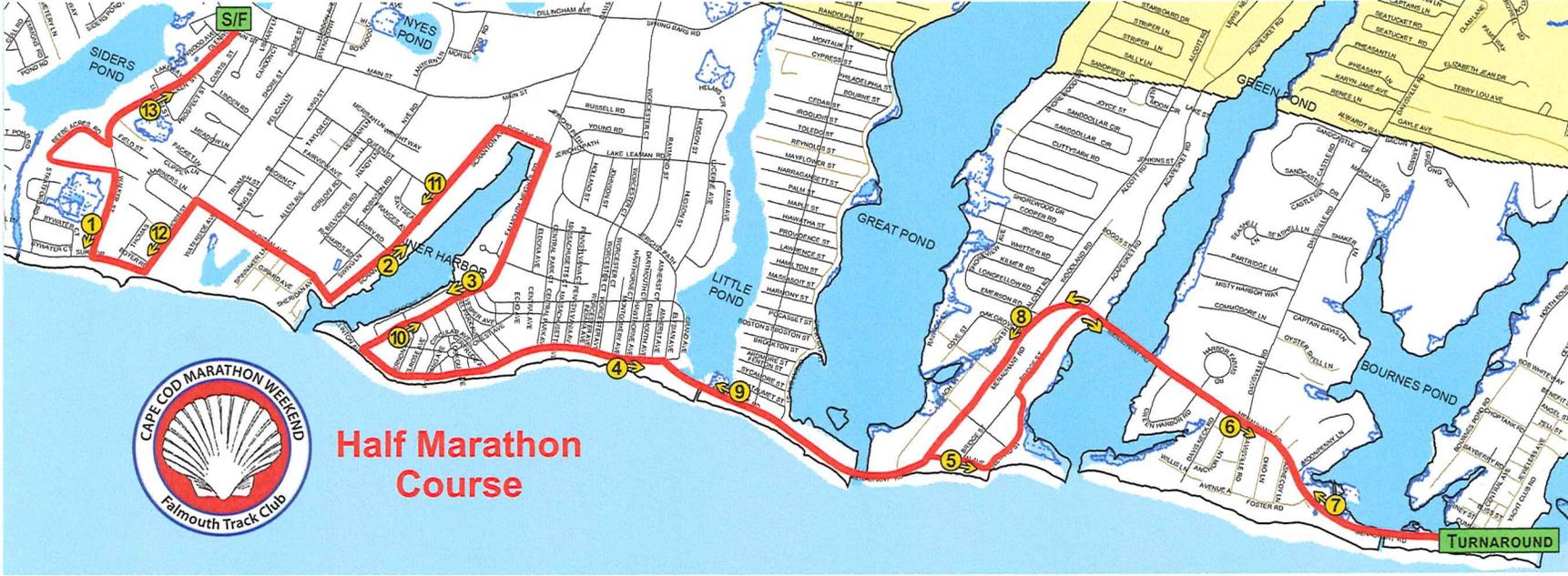
Respectfully,



Jack Afarian
Race Director, Cape Cod Marathon Weekend Event



Marathon Course



Half Marathon Course

Diane Davidson

From: Julian Suso
Sent: Friday, May 21, 2021 4:38 PM
To: Diane Davidson
Subject: FW: October 31, 2021 -Cape Cod Marathon + Falmouth Youth Football Flag program use of Central Park Falmouth Heights fields

Diane,
FYI. Perhaps this could go in the SB packet, as relevant to this proposed annual Special Event. Thanks.
Julian

From: Robert Brown <rbrown@falmouthlawyer.com>
Sent: Friday, May 21, 2021 4:04 PM
To: info@capecodmarathon.com
Cc: Julian Suso <julian.suso@falmouthma.gov>; selectmen@falmouthmass.us
Subject: October 31, 2021 -Cape Cod Marathon + Falmouth Youth Football Flag program use of Central Park Falmouth Heights fields

Dear Cape Cod Marathon,

I am the President of Falmouth Youth Football (FYF) Flag program. We play on Central Park - Falmouth Heights fields on nine Sundays. We start on the first Sunday after school starts in September and try to finish by Veterans day week in November due to colder temperatures. We take Columbus Day weekend Sunday off due to a musical festival on Central Park playing fields. Our program had 125 children in 2019. We appear to grow each year by 20 children.

FYF families are scheduled and intend to play on Sunday October 31, 2021 in the morning for so long as pandemic regulations allow us to gather and play flag football. In 2019, the Cape Cod Marathon Route was changed their race routes without notice to us which disrupted our ability to play. The new Marathon route ran through Falmouth Heights twice instead of just once as in previous years. We hope this is not the case this year. We were left with less than twenty four hour notice to cancel our games scheduled for October 27, 2019 due to large logistical nightmare in the Falmouth Heights playing field vicinity. By chance, we would have canceled anyway due to torrential rain on the marathon date.

Our regular playing time is 9:00 AM to 11:15 AM. We are usually cleaned up and off the field by 11:30 AM. In past years on Cape Cod Marathon Sunday, my memory is we started earlier to accommodate the marathon and be done by 11:00 AM. In 2017, we started to shorten our game times fifteen minutes due to families not enjoying an earlier start in order to conclude our youth program by 11:00 AM on marathon Sunday with no complaints.

I had the opportunity to review the Agenda of the Board of Select for Monday, May 24, 2021. On the agenda was the Cape Cod Marathon scheduled for October 31, 2021 for annual permissions. FYF Board and families applaud and recognize the charitable support and community economic benefits of the marathon. Kindly update me on the Cape Cod Marathon morning plans for October 31, 2021 near Central Park. We hope to coexist and share the last Sunday in October every year in the Falmouth Heights neighborhood.

Thank you,

Robert A. Brown
Cell (508) 776-2562



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME 41st Annual Falmouth in the Fall Road Race

NAME Falmouth Road Race, Inc. – Jennifer Edwards

MAILING ADDRESS P.O. Box 732, Falmouth, MA 02541

EVENT DAY & DATE Sunday, November 14, 2021

RAIN DATE None.

EVENT LOCATION Woods Hole to Falmouth Heights, Falmouth Heights Beach Lots

EVENT HOURS 10:00 am – 2:00 pm **SET-UP/BREAK DOWN** 11/13 2:00 pm /11/14 3:00 pm

NUMBER OF ATTENDEES 1,000 **# OF VEHICLES** 12 buses

ADDITIONAL DETAILS Same 7-mile course as Falmouth Road Race. Post-race gathering on Falmouth Heights ball field, food and beverages. Will apply for one-day liquor license. Tent on Falmouth Heights ball field. Music at start, on the course, and at the finish. Parking at Falmouth Heights Beach parking lot and Island Queen lot.

CONDITIONS:

1. Contact the Police Detail Sergeant 30 days prior to event to arrange for adequate public safety requirements.
2. Contact Fire Department days prior to event for EMS or fire detail coordination.
3. Contact Inspectional Services Department 30 days prior to event for permit for tent in excess of 400 sq. ft. and to schedule inspection.
4. Contact Health Department 30 days prior to event for a temporary food permit and to schedule inspection.
5. No parking on Worcester Court Greenway.
6. Event organizers to police race route and locations to clean up any litter or debris following the race.
7. Organizer to provide a solid waste and recycling plan for the event.

PERMIT FEE \$450.00 **FILING FEE** \$10.00

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

SELECT BOARD:



PAID
BIO
CASH

2021 Falmouth in the Fall Narrative
Race Date: Sunday, November 14, 2021

2021 will be the 41st running of the Falmouth in the Fall road race and the first opportunity that Falmouth Road Race, Inc. will have to produce this community fundraising event.

Our goal is to maintain the community feel, while supporting the town's travel and tourism efforts. The 7-mile course is the same as the traditional Falmouth Road Race: from Woods Hole to Falmouth Heights, although the size and scope of the event are much smaller. We are requesting 1,000 runners with roads closed from 10:45AM until 12:30PM and a post-race ballfield gathering with food and beverages for finishers. We will pursue a one-day liquor license to serve beer at the finish.

With a small race this year, we see buses leaving from Falmouth Heights to bring runners to the start area in Woods Hole.

COVID-mitigation strategies to be established as needed, pending state and town guidelines.

Respectfully Submitted,

Jennifer Edwards, Executive Director
Falmouth Road Race, Inc.

SUMMARY OF ACTIONS

#2. SPECIAL EVENTS

New-recommended:

- a. Practice and Teach Tai Ji – Cape Cod Guang Ping Tai Ji Quqn Club – Marina Park – Fridays and Saturdays, 5/28 – 10/30/21, except 9/3, 9/4, 9/24 and 9/25.
- b. Birthday Block Party – Alcott Road (87 Alcott Rd. to Cuttysark Rd.) – Saturday, 7/3/21
- c. Beach Wedding Ceremony – Woodneck Beach – Coles – Saturday, 8/14/21
- d. Beach Wedding Ceremony – Chapoquoit Beach – Kennedy – Saturday, 8/14/21
- e. Beach Wedding Ceremony – Falmouth Heights Top of Stairway on Deck on Grand Avenue – Maranchie – Saturday, 8/28/21
- f. Beach Wedding Ceremony – Surf Drive Beach – Hurrie – Friday, 10/15/21



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME Practice and Teach Tai Ji

APPLICANT NAME Cape Cod Guang Ping Tai Ji Quqn Club, Cliff Genge

MAILING ADDRESS 60 Rockville Ave., Teaticket, MA 02536

EVENT DAY & DATE Fridays & Saturdays, May 28 – October 30, 2021
Except dates already reserved for special events on 6/12, 6/19, 9/3, 9/4, 9/24 and 9/25/21.

RAIN DATE None.

EVENT LOCATION Marina Park (Bandshell side)

EVENT TYPE Routine practices, warm-ups, training, complete form

EVENT HOURS 9:30 am – 11:30 am **SET-UP / BREAK DOWN** _____

NUMBER OF ATTENDEES 15 - 20 **# OF VEHICLES** 15 - 20

ADDITIONAL DETAILS No charge for attendance. Request use of restrooms at harbor.

CONDITIONS:

1. Event organizer to check area following the event to clean up any litter or debris.

PERMIT FEE \$25.00/day **FILING FEE** \$10.00

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

SELECT BOARD:



**TOWN OF FALMOUTH
SPECIAL EVENT PERMIT**

EVENT NAME *Birthday Block Party*

NAME *John Beatty*

MAILING ADDRESS *103 Alcott Road, East Falmouth, MA 02536*

EVENT DAY & DATE *Saturday, July 3, 2021*

RAIN DATE *Sunday, July 4, 2021*

EVENT LOCATION *From 87 Alcott Road to intersection of Alcott Rd. & Cuttysark Rd.*

EVENT TYPE *Block Party*

EVENT HOURS *6:00 p.m. – 10:00 p.m.* **SET-UP/BREAK DOWN** *3:00 pm / 10:30 pm*

NUMBER OF ATTENDEES *45* **# OF VEHICLES** *0*

ADDITIONAL DETAILS *Temporary road closure with removable barriers. Small band/
guitar. Bring your own chair, food and beverage.*

CONDITIONS:

1. Roadway should be clearly marked at both ends for safety purposes.
2. Any barricades placed in the roadway should be portable and a person assigned to remove them to allow passage of public safety equipment.
3. Tents exceeding 400 sq. ft. require a permit and inspection by the Inspectional Services Dept. and Fire Prevention Dept.

PERMIT FEE *\$50.00* **FILING FEE** *\$10.00*

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

SELECT BOARD:

_____	_____
_____	_____
_____	_____



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

NAME Michelle Coles

MAILING ADDRESS 3 Compass Circle, East Falmouth, MA 02536

CEREMONY DAY & DATE Saturday, August 14, 2021

RAIN DATE None

LOCATION Woodneck Beach

SET-UP ARRIVAL TIME 6:30 p.m. **CEREMONY HOURS** 6:45 p.m. – 7:15 p.m.

NUMBER OF GUESTS 10 **NUMBER OF VEHICLES** 3

TIME NEEDED FOR PARKING VEHICLES 6:45 p.m. – 7:15 p.m.

ADDITIONAL INFORMATION: _____

CONDITIONS:

1. Consumption of alcoholic beverages prohibited on Town beaches and parking areas.
2. Public parking is on a first come first serve basis.

PERMIT FEE \$75.00 **FILING FEE** \$10.00

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

SELECT BOARD:



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

NAME Cindy Kennedy

MAILING ADDRESS 31 Seattucket Road, East Falmouth, MA 02536

CEREMONY DAY & DATE Saturday, August 14, 2021

LOCATION Chapoquoit Beach

SET-UP ARRIVAL TIME 6:15 p.m. **CEREMONY HOURS** 6:30 p.m. – 6:50 p.m.

NUMBER OF GUESTS 15 **NUMBER OF VEHICLES** 0

TIME NEEDED FOR PARKING VEHICLES _____

ADDITIONAL INFORMATION Pre-recorded music, photography.

CONDITIONS:

1. Consumption of alcoholic beverages prohibited on Town beaches and parking areas.
2. Public parking is on a first come first serve basis.

PERMIT FEE \$ 75.00 **FILING FEE** \$10.00

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

SELECT BOARD:



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

NAME Melinda Maranchie

MAILING ADDRESS 637 Gifford Street, Unit 18A, Falmouth, MA 02540

CEREMONY DAY & DATE Saturday, August 28, 2021

LOCATION Falmouth Heights top of stairway deck on Grand Avenue (next to Casino)

SET-UP ARRIVAL TIME 4:00 p.m. **CEREMONY HOURS** 4:30 p.m. – 5:00 p.m.

NUMBER OF GUESTS 10 **NUMBER OF VEHICLES** 6

TIME NEEDED FOR PARKING VEHICLES 4:00 p.m. – 5:00 p.m.

ADDITIONAL INFORMATION Photography.

CONDITIONS:

1. Consumption of alcoholic beverages prohibited on Town beaches and parking areas.
2. Public parking is on a first come first serve basis.

PERMIT FEE \$ 75.00 **FILING FEE** \$10.00

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

SELECT BOARD:



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

NAME T.J. Hurrie

MAILING ADDRESS 46 Seashell Lane, East Falmouth, MA 02536

CEREMONY DAY & DATE Friday, October 15, 2021

LOCATION Surf Drive Beach

SET-UP ARRIVAL TIME 3:45 p.m. **CEREMONY HOURS** 4:00 p.m. – 4:30 p.m.

NUMBER OF GUESTS 100 **NUMBER OF VEHICLES** 15

TIME NEEDED FOR PARKING VEHICLES 3:45 p.m. – 4:30 p.m.

ADDITIONAL INFORMATION Providing buses to transport guests, pre-recorded music, photography.

CONDITIONS:

1. Consumption of alcoholic beverages prohibited on Town beaches and parking areas.
2. Public parking is on a first come first serve basis.

PERMIT FEE \$ 75.00 **FILING FEE** \$10.00

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

SELECT BOARD:

_____	_____
_____	_____
_____	_____

SUMMARY OF ACTIONS

#3. LICENSES

- a. Application for a Common Victualler License – Dilly’s Grill, LLC
d/b/a Dilly’s Taqueria located at 281 Main Street, Falmouth

Dilly's Taqueria



TOWN OF FALMOUTH

Town Manager & Selectmen Board Office
59 Town Hall Square, Falmouth, Massachusetts 02540
Telephone (508) 495-7320
M.G.L. 140 §2

COMMON VICTUALLER LICENSE APPLICATION PROCEDURE

1. **Submit the following to the Select Board Office**

- ✓ ● Application For Common Victualler License
- ✓ ● Copy of Lease or Deed
- ✓ ● Submission of a \$10.00 Filing Fee
- ✓ ● Business Structure Documents:
 - a. Copy of Articles of Organization (if corporation)
 - b. Copy of LLC Agreement (if limited liability company)
 - c. Copy of Partnership Agreement (if partnership)
 - d. Copy of Certificate of Doing Business (if sole proprietorship)
- Copy of special zoning permits, if any
- ✓ ● Copy of Floor Plan
- ✓ ● Copy of Menu
- Food Service Establishment Permit – Falmouth Health Department
- Certificate of Occupancy – Building Department

(Food Service Permit and Certificate of Occupancy may be submitted after Select Board hearing)

2. **Schedule and attend a hearing before the Select Board**

3. **Upon approval of the Common Victualler License provide:**

- A Certificate of Doing Business from the Town Clerk's Office
 - License Fee of \$60.00 *check on Hold for approval*

4. **Upon final completion the New License can be picked up or will be mailed**

PLEASE NOTE: The Common Victualler License must be displayed on the premises in a conspicuous place where the public has access and may read it. Failure to post or tampering with contents of a license is strictly prohibited.

The license period is the date of issue through December 31st of each year and must be renewed annually.



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



APPLICATION – COMMON VICTUALLER

NAME OF ESTABLISHMENT: Dillys Grill LLC
 DBA, if any: Dillys Taqueria
 BUSINESS ADDRESS: 281 Main Street Falmouth 02540
 MAILING ADDRESS: P.O. Box 92 Oak Bluffs, MA 02557
(if different)
 NAME OF APPLICANT: Adam Rebello
 HOME ADDRESS: 17 Hudson Ave, Oak Bluffs MA, 02557
 FID# _____

MANAGER: Adam Rebello EMAIL: (required) Adam@dillysmv.com

DAYS OF OPERATION Tue-Sat HOURS OF OPERATION Open 11:30 - 6:30 pm

PARKING PLAN _____

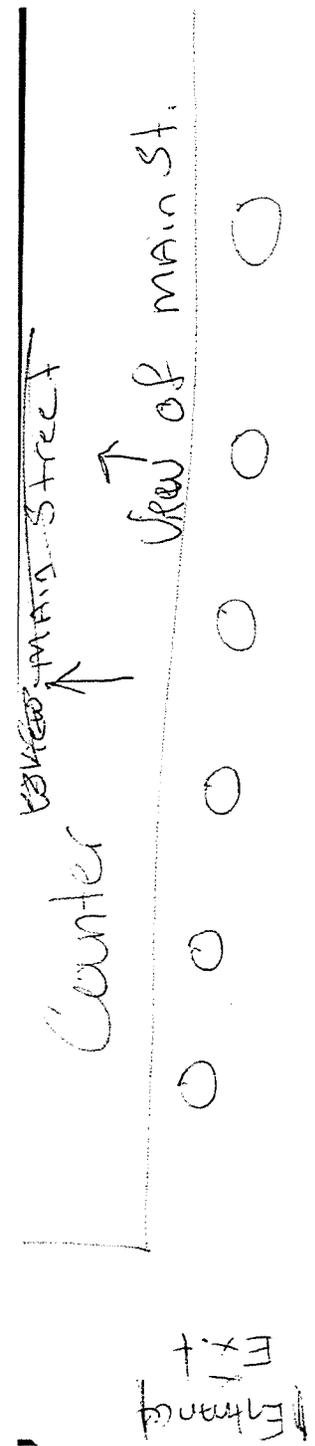
TELEPHONE: (BUS.) 774-763-2066 (HOME) [REDACTED]

SEATING CAPACITY: 25 OCCUPANCY # 25

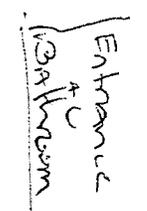
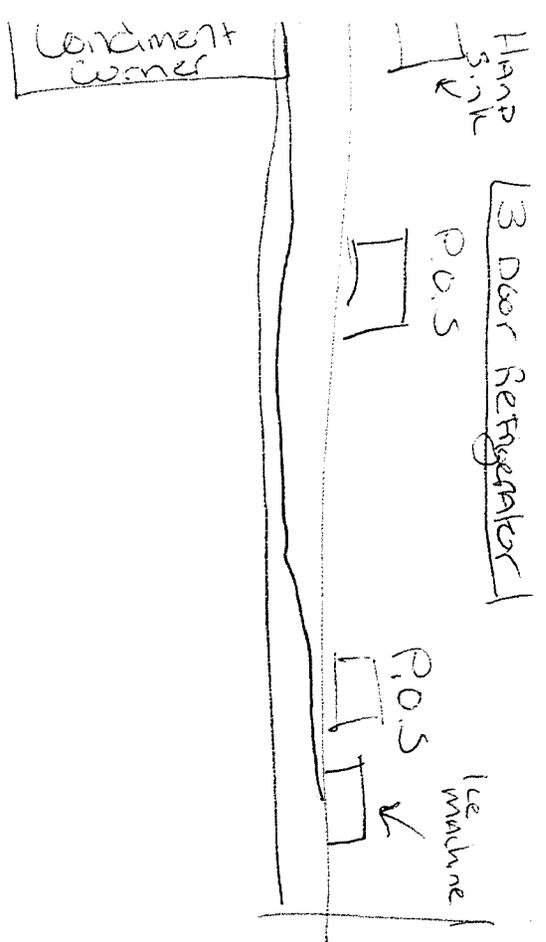
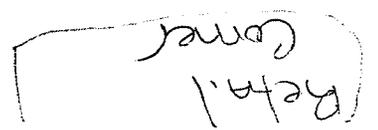
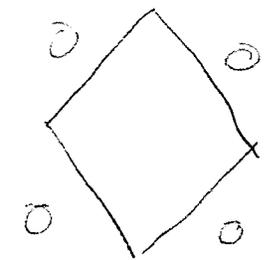
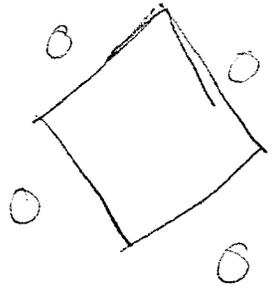
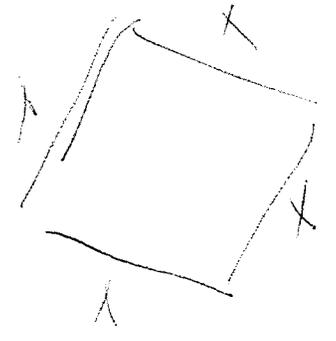
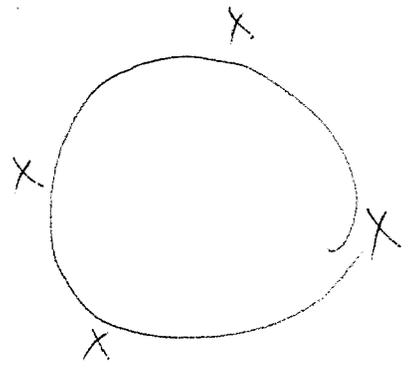
4-15-21 DATE Adam Rebello OWNER / MANAGER / AUTHORIZED AGENT

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

BOARD OF SELECTMEN



Dilly's Taqueria

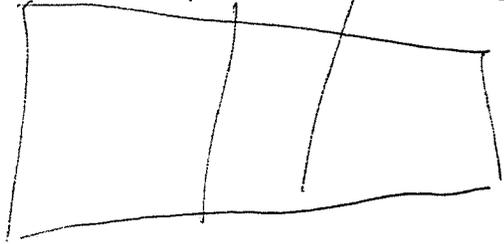


Kitchen
Door

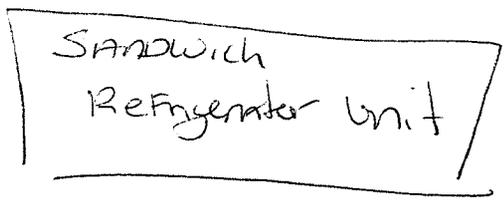
Window Looking
into Dining Room



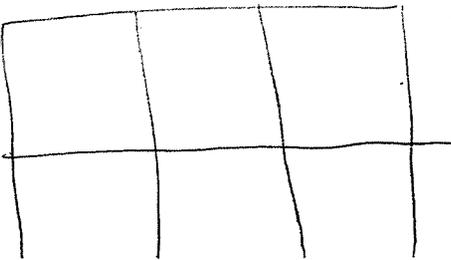
3 Bay Steam table



Sandwich
Refrigerator unit



6 Burner oven

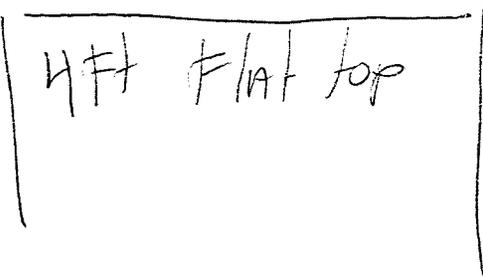


Fryer

Fryer



4ft Flat top

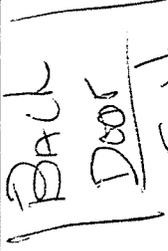
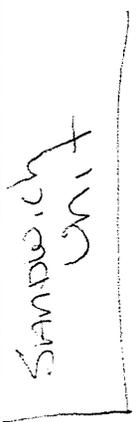


Rezeal

Back
Door
Exit

oven

Sandwich
Unit





**The Commonwealth of Massachusetts
William Francis Galvin**

Minimum Fee: \$500.00

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

Certificate of Organization

(General Laws, Chapter)

Identification Number: 001330453

1. The exact name of the limited liability company is: DILLY'S GRILL LLC

2a. Location of its principal office:

No. and Street: 12 CIRCUIT AVE
City or Town: OAK BLUFFS State: MA Zip: 02557 Country: USA

2b. Street address of the office in the Commonwealth at which the records will be maintained:

No. and Street: 12 CIRCUIT AVE
City or Town: OAK BLUFFS State: MA Zip: 02557 Country: USA

3. The general character of business, and if the limited liability company is organized to render professional service, the service to be rendered:
FULL SERVICE RESTAURANT

4. The latest date of dissolution, if specified:

5. Name and address of the Resident Agent:

Name: ADAM REBELLO
No. and Street: 12 CIRCUIT AVE
City or Town: OAK BLUFFS State: MA Zip: 02557 Country: USA

I, ADAM REBELLO resident agent of the above limited liability company, consent to my appointment as the resident agent of the above limited liability company pursuant to G. L. Chapter 156C Section 12.

6. The name and business address of each manager, if any:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
MANAGER	ADAM REBELLO	12 CIRCUIT AVE OAK BLUFFS, MA 02557 USA

7. The name and business address of the person(s) in addition to the manager(s), authorized to execute documents to be filed with the Corporations Division, and at least one person shall be named if there are no managers.

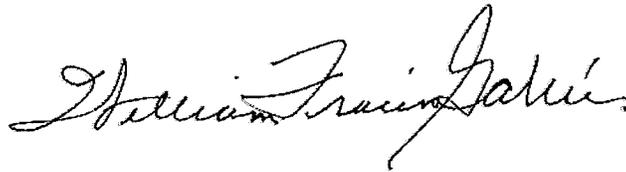
Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
SOC SIGNATORY	ADAM REBELLO	12 CIRCUIT AVE OAK BLUFFS, MA 02557 USA

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:

June 01, 2018 02:06 PM

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

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

8. The name and business address of the person(s) authorized to execute, acknowledge, deliver and record any recordable instrument purporting to affect an interest in real property:

Title	Individual Name First, Middle, Last, Suffix	Address (no PO Box) Address, City or Town, State, Zip Code
REAL PROPERTY	ADAM REBELLO	12 CIRCUIT AVE OAK BLUFFS, MA 02557 USA

9. Additional matters:

SIGNED UNDER THE PENALTIES OF PERJURY, this 1 Day of June, 2018,

ADAM REBELLO

(The certificate must be signed by the person forming the LLC.)





DILLY'S BELIEVES IN:

FRESH INGREDIENTS

QUALITY SERVICE

GOOD VIBES

SUPPORTING LOCAL

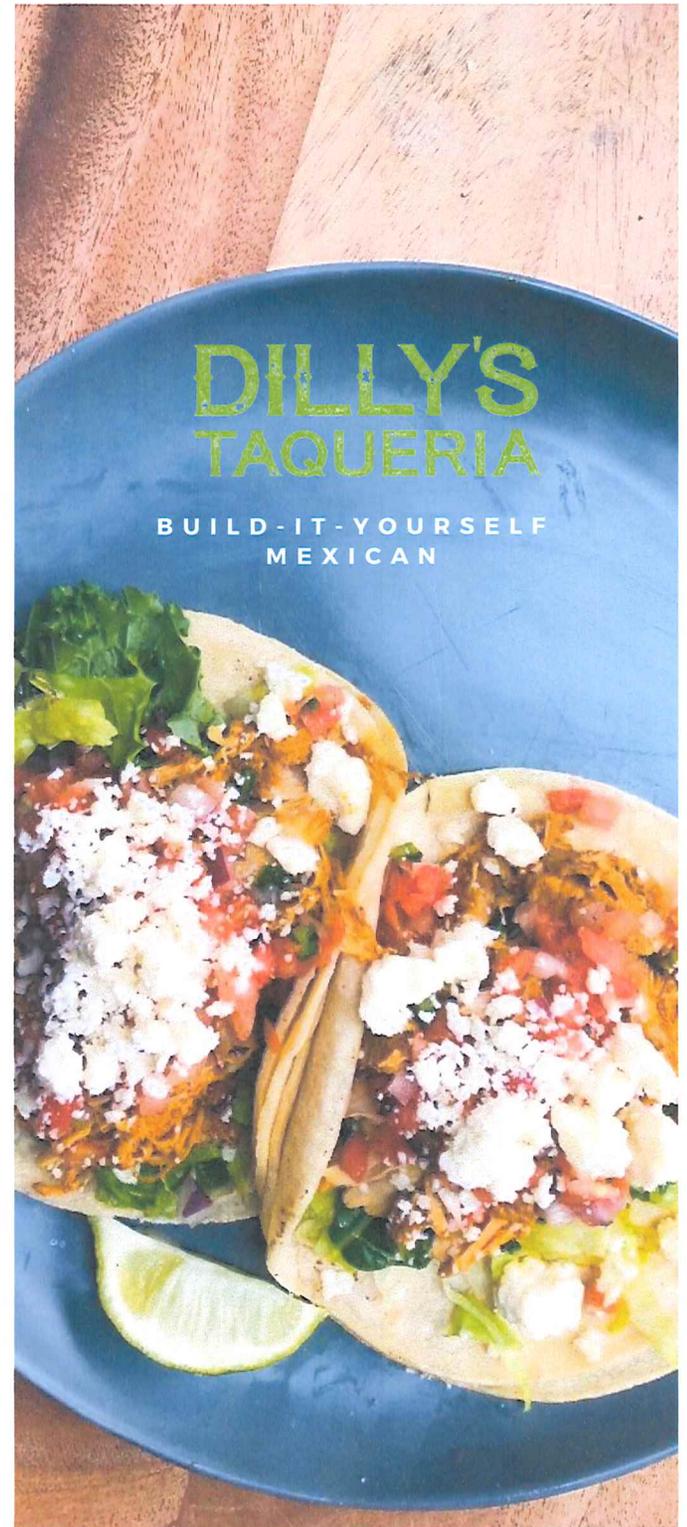


CONTACT US

Dilly's Taqueria
281 Main Street
Falmouth, MA
Cape Cod
-
774-763-2066

FOLLOW US

Facebook - Dilly's Taqueria
Instagram - @dillysmv
Twitter - @dillysmv



**DILLY'S
TAQUERIA**

**BUILD-IT-YOURSELF
MEXICAN**

STEP 1: BASE

TACOS

2 PER ORDER, SOFT SHELL CORN TORTILLA,
SERVED WITH LETTUCE, *Gluten Free

BURRITO

FLOUR TORTILLA

RICE BOWL

SUB LETTUCE OR KALE, *Gluten Free

QUESADILLA

FLOUR TORTILLA

STEP 2: FILLING

ROASTED VEGGIES

SW POT, MUSHROOMS, CORN, &
BRUSSEL KALE SLAW

POLLO ASADO

CHICKEN

PULLED PORK

SPICY!

CARNE ASADA

STEAK

BLACKENED MAHI-MAHI

CAJUN DRY RUB SEASONING, SPICY!

STEP 3: TOPPINGS

RICE

BROWN OR YELLOW

BEANS

BLACK OR REFRIED

CHEESE

SHREDDED MEXICAN
QUESO FRESCO \$

SALSA

PICO DE GALLO
RED OR GREEN SALSA
MANGO SALSA

SAUCE

SOUR CREAM
CHIPOTLE MAYO
SRIRACHA AIOLI

CLASSICS

COLE'S BURGER

4 OZ BEEF BURGER WITH LETTUCE, PICO
DE GALLO, PICKLES, AND A SIDE OF
FRIES
ADD CHEESE \$
MAKE IT A DOUBLE \$

NACHOS

CHEESE, SALSA, SOUR CREAM, BLACK
BEANS & JALAPENOS
ADD CHICKEN \$ PORK \$ OR STEAK \$

SIDES + SHARES

CHIPS & SALSA

RICE & BEANS

YELLOW OR BROWN
BLACK OR REFRIED BEANS

MEXICAN STREET CORN

OFF THE COB, SPICY STREET SAUCE,
CILANTRO, AND QUESO FRESCO

EMPANADA'S

4 PER ORDER WITH CHIPOTLE MAYO
BEEF & CILANTRO OR BUFFALO CHICKEN

CHURRO BITES

ROLLED IN CINNAMON SUGAR

ADD ON'S \$

AVOCADO

BACON

GUACAMOLE

PICKLED ONIONS

PICKLED JALAPENOS

ROASTED SW. POTATOES

ROASTED MUSHROOMS

ROASTED CORN

BRUSSEL KALE SLAW

LETTUCE

*Consuming raw or undercooked meats, poultry, seafood, shellfish, or
eggs may increase your risk of food born illness. Inform your server
of any food allergies you have before placing your order.*

LICENSE APPLICATION REVIEW

Restaurant/Business: Dilly's Grill, LLC dba Dilly's Taqueria

Address: 281 Main Street, Falmouth

License Type: Common Victualler

- New or Transfer of License
- or
- Change of License

- Police
- Fire
- Building
- Health
- Zoning
- Planning
- DPW

NOTES:

need DBA/ clerk's office needed

Phyllis Downey

From: Brian Reid
Sent: Friday, May 7, 2021 3:24 PM
To: Phyllis Downey
Cc: Sean Doyle
Subject: RE: Select Board recommendation request - Dilly's Grill, LLC - COMMON VICTAULLER application05.03.21.pdf

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

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: Monday, May 3, 2021 11:40 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Falmouth Planning <planning@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Falmouth Health Department <health@falmouthma.gov>; Katie Pierias <katie.pierias@falmouthma.gov>; Jonathan Dickinson <jonathan.dickinson@falmouthma.gov>
Subject: Select Board recommendation request - Dilly's Grill, LLC - COMMON VICTAULLER application05.03.21.pdf

Good morning,

Attached please find an application for a New Common Victualler license to be located at 281 Main Street, Falmouth, formerly Martha's. If you wish to review the

lease it will be available in the Select Board Office.

May we please request your recommendations or comments by Monday May 17th.

Thank you very much for your assistance,
Phyllis Downey
508-495-7325

Phyllis Downey

From: Noreen Stockman
Sent: Monday, May 3, 2021 2:26 PM
To: Phyllis Downey
Subject: RE: Select Board recommendation request - Dilly's Grill, LLC - COMMON VICTAULLER application05.03.21.pdf

Good afternoon,
We are not showing any permitting by ZBA; no issues here.

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: Monday, May 3, 2021 11:40 AM
To: Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Falmouth Planning <planning@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Falmouth Health Department <health@falmouthma.gov>; Katie Pierias <katie.pierias@falmouthma.gov>; Jonathan Dickinson <jonathan.dickinson@falmouthma.gov>
Subject: Select Board recommendation request - Dilly's Grill, LLC - COMMON VICTAULLER application05.03.21.pdf

Good morning,

Attached please find an application for a New Common Victualler license to be located at 281 Main Street, Falmouth, formerly Martha's. If you wish to review the

lease it will be available in the Select Board Office.

May we please request your recommendations or comments by Monday May 17th.

Thank you very much for your assistance,
Phyllis Downey
508-495-7325

Phyllis Downey

From: Boyd Demello
Sent: Thursday, May 20, 2021 12:52 PM
To: Phyllis Downey; Peter McConarty; Patty O'Connell; Timothy Smith; Thomas Bott; Scott McGann; Rod Palmer
Cc: Pamela Marshall; Linda Kinchla; Boyd Demello
Subject: RE: Reminder - Select Board recommendation request - Dilly's Grill, LLC - COMMON VICTAULLER application05.03.21.pdf

Fire Rescue No Issues

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

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

From: Phyllis Downey
Sent: Friday, May 14, 2021 3:07 PM
To: Peter McConarty <peter.mcconarty@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>
Cc: Boyd Demello <boyd.demello@falmouthfirema.gov>; Pamela Marshall <pamela.marshall@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>
Subject: Reminder - Select Board recommendation request - Dilly's Grill, LLC - COMMON VICTAULLER application05.03.21.pdf

Good afternoon,

This is a reminder to please provide your recommendation or comments for the Select Board regarding this Common Victualler License.

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.

SUMMARY OF ACTIONS

#3. LICENSES

- b. Application for Special One-Day Liquor License – Bands for Badges Music Festival – Bands for Badges, Inc. – Cape Cod Fairgrounds – Saturday, 8/21/21

2021

License Alcoholic Beverages

21-1-WM

Fee:

25

The Licensing Board of
The Town of Falmouth
Massachusetts
Hereby Grants a

Special License For The Sale of Wine & Malt Beverages

**License to Expose, Keep for Sale, and to Sell
Wines and Malt Beverages**

To Be Drunk On the Premises

To Bands for Badges, Inc.

Cape Cod Fairgrounds
1220 Nathan Ellis Highway
East Falmouth, MA 02536

On the following described premises:

Cape Cod Fairgrounds, 1220 Nathan Ellis Highway, East Falmouth, MA 02536

THE ABOVE NAMED PROFIT OR NON PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES ONLY, TO BE DRUNK ON THE PREMISES.

This license is valid from the 21st day of August 2021 until the 21st day of August 2021, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

Date: Saturday, August 21, 2021. Hours: 12:00 p.m. to 10:00 p.m. Event: Bands for Badges Fundraiser Music Concert.

CONDITIONS: 1. Proof of liquor liability insurance required. 2. Alcoholic beverages served on the premises must remain on the premises. 3. Secure area where alcohol will be sold and consumed. 4. Servers must be TIPS (or equivalent) certified.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 24th day of May 2021

_____	_____
_____	_____
_____	Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

Bands for Badges Music Festival

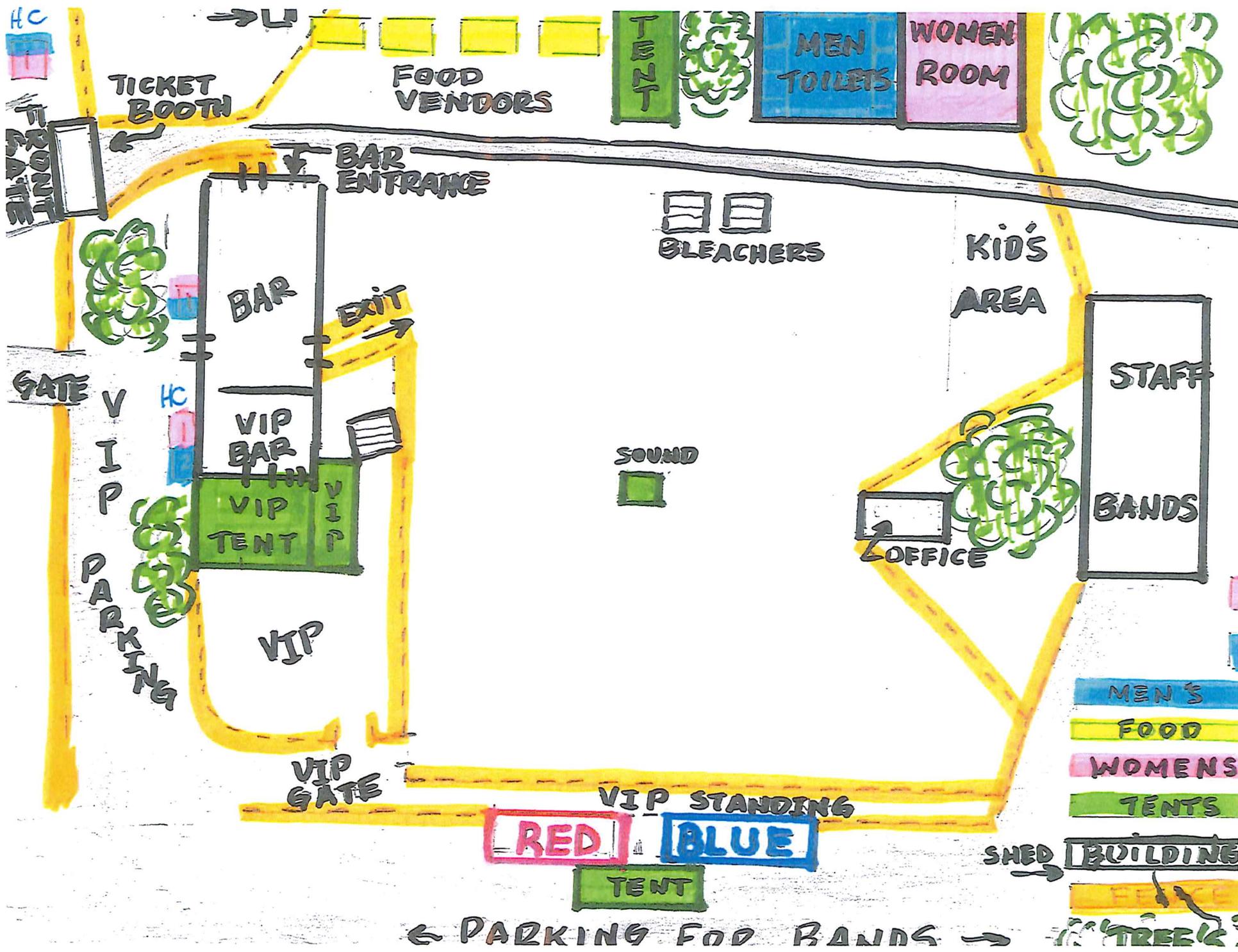
Event Narrative

Bands for Badges, Inc. has been founded to provide help by sponsoring concerts to raise money for heroes in need. We are requesting a one-day liquor license for our annual concert on August 21, 2021 at the Cape Cod Fairgrounds. A family-friendly event featuring various bands, food, face painting, a bouncy house and more! Last year Bands for Badges inaugural music festival was a great success.

100% of the profits will go directly into the Bands for Badges bank account at Cape Cod Five, set up for our First Responders and Military families. All funds will support our local heroes and their families. If we have a fallen first responder, we will do everything we can to ease the family's tragedy.

This year we hope to improve on the event. The Board of Directors (all volunteer) have reviewed last year's event, we identified a few things that could be done better. We plan on adding additional food vendors to the event. There are no planned changes to the beer and wine service area. Last year this area was well managed by the company we contracted with to provide the beer and wine, along with TIPS certified bartender's. Additionally, our own security team monitored the area and there were no issues.

While our entertainment lineup is not finalized, we will have the same amount of bands as last year. The only change is we are starting at 12pm rather than 1pm and ending an hour earlier at 10pm.



RED BLUE

TENT

- MEN'S
- FOOD
- WOMENS
- TENTS

BUILDING

FENCE

TREES

PARKING FOR BANDS

SUMMARY OF ACTIONS

#3. LICENSES

- c. Application for Special One-Day Liquor License – Striper Fest – On the Water, LLC – Marina Park – Saturday, 9/25/21

2021

License Alcoholic Beverages

21-2-WM

Fee:

25

The Licensing Board of
The Town of Falmouth
Massachusetts
Hereby Grants a

Special License For The Sale of Wine & Malt Beverages

**License to Expose, Keep for Sale, and to Sell
Wines and Malt Beverages**

To Be Drunk On the Premises

To On the Water LLC
Chris Megan, Publisher/Owner

Striper Fest
Marina Park, Scranton Avenue
Falmouth, MA 02540

On the following described premises:

Marina Park, Scranton Avenue, Falmouth

THE ABOVE NAMED PROFIT OR NON PROFIT ORGANIZATION IS HEREBY GRANTED A SPECIAL LICENSE FOR THE SALE OF WINE AND MALT BEVERAGES ONLY, TO BE DRUNK ON THE PREMISES.

This license is valid from the 25th day of September 2021 until the 25th day of September 2021, unless earlier suspended, cancelled or revoked.

The hours during which Alcoholic Beverages may be sold are from:

Saturday, September 25, 2021. Hours: 12:00 p.m. to 6:00 p.m. Striper Fest.
Rain Date: 9/26/21.

CONDITIONS: 1. ROPE OFF A SECTION OF THE AREA WHERE ALCOHOLIC BEVERAGES WILL BE SOLD AND CONSUMED. 2. PROOF OF LIQUOR LIABILITY INSURANCE REQUIRED. 3. COORDINATE LIQUOR TICKET SALES TO PROVIDE TIME FOR REDEMPTION.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this 24th day of May 2021

_____	_____
_____	_____
_____	Licensing Board

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ

PUBLIC HEARINGS

1. Application for an Alteration of the Licensed Premises of an All Alcoholic Common Victualler License – Chapoquoit Grill, Inc., located at 410 West Falmouth Highway, West Falmouth.
Continued from April 26, 2021.

NOTE: The applicant's attorney has requested a further continuance until June 7, 2021.

Diane Davidson

From: Kevin Klauer <kevin@amentklauer.com>
Sent: Thursday, May 20, 2021 3:48 PM
To: Phyllis Downey
Cc: Gabriele Bruce; Falmouth Town Manager
Subject: RE: Chapaquoit Grill - Alteration of Premises application

Hi Phyllis,

Thank you for letting me know. We have been waiting on a site plan. As I am sure you know, the engineers are all still extremely busy. We are waiting on receipt of the survey, which I expect to have any day, and will submit as soon as received along with the other requested information. If possible, I'd prefer to be on for the June 7th hearing, obviously pending receipt of the materials.

Regards,

Kevin P. Klauer II, Esq.
Ament Klauer LLP
39 Town Hall Square
Falmouth, MA 02540
Telephone: (508) 540-6555
Fax: (508) 457-1293
Email: kevin@amentklauer.com

*****Be aware that online banking fraud is on the rise. If you receive an email containing wire transfer instructions from Ament Klauer LLP please call our office at 508-540-6555 to verify the information prior to sending funds.*****

Feel free to visit our website at www.amentklauer.com

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Any documents attached hereto are transmitted for discussion purposes only and create no binding obligation. The parties will be bound only if and when copies are signed by and delivered to all parties.



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 Champoquoit Grill, Inc. has applied for an Alteration of Premises of its All Alcoholic Common Victualler License located at 410 West Falmouth Highway, West Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall* on Monday, April 26, 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 April 26, 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 April 26, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on April 22, 2021 at 4:00 PM for detailed participation information.*****

Per order of the Select Board

LICENSING BOARD

Megan E. English Braga

Douglas C. Brown

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor

Publication date: Friday, April 16, 2021; Falmouth Enterprise

PUBLIC HEARINGS

2. Application for a Transfer of License, and Pledge of License and Inventory of an All Alcoholic Beverages Common Victualler License – C Salt Wine Bar & Grille, Inc., 75 Davis Straits, Falmouth



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 C Salt Wine Bar & Grille, Inc. has applied for a Transfer of an All Alcoholic Common Victualler License and a Pledge of License and Inventory located at 75 Davis Straits, Falmouth, MA.

A hearing will be held in the Selectmen's Meeting Room, Falmouth Town Hall on Monday, May 24, 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 May 24, 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 May 24, 2021 to be posted on the Town of Falmouth website, www.falmouthma.gov, Agenda Center, on May 20, 2021 at 4:00 PM for detailed participation information.*****

Per order of the Select Board

LICENSING BOARD

Megan E. English Braga

Douglas C. Brown

Douglas H. Jones

Samuel H. Patterson

Nancy R. Taylor



The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission

For Reconsideration

LICENSING AUTHORITY CERTIFICATION

Falmouth

City /Town

00194-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
- 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

Tow story free standing wood frame building with front and rear entrances/exits on first and second floors with exit to first floor from basement level and exit to outside from basement level.

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



Applicant: C Salt Wine Bar & Grille

Transfer of Existing Retail License - Town Requirements Checklist

Step 1:

At the ABCC website at Mass.gov complete the **Transfer of Existing License Application**. Save & print all pages of the application

Step 2:

Submit to the Town of Falmouth Select Board:

- All pages of the application from the ABCC website and supporting documents, including a Certificate of Compliance Dept. of Unemployment Assistance and Certificate of Good Standing from DOR from current licensee. any Pledge documents they must be as complete as possible, submitted with the application, and match the information provided on Page 5, #11 of the application .
- Town of Falmouth Common Victualler application, if a restaurant or club or Innholder application for inn
- Total Filing Fees payable to Town of Falmouth with an application: _____
 - o A Liquor License Filing fee \$50
 - o Background Check Processing fee \$30
 - o Advertisement fee \$50 (*completed by Town Administration*)
 - o Common Victualler License or Innholder License Filing fee \$10
- Certificate of Liquor Liability Insurance – policy for bodily injury or death for a minimum amount of \$250,000 on account of injury/death of 1 person, and \$500,000 on account of any 1 accident resulting in injury/death of more than 1 person.
- TIPS or other alcohol safety certification required for the Manager of Record, all managers, bartenders, servers and other employees handling alcohol
- Menu, if available, and Floor Plan
- Food Service Establishment Permit (Health Department) new entity must apply <https://www.falmouthma.gov/273/Health>
- Certificate of Inspection Building Department, new entity must apply <https://www.falmouthma.gov/307/Building>
- Certificate of Doing Business -Town Clerk's Office, new entity must apply <https://www.falmouthma.gov/343/Clerk-Town-Clerk>
- Within 10 days of applying, the proposed Manager of Record must complete a background check at the Central Records Office of the Falmouth Police Department. Applicant to bring a **certified check or money order for \$30.00 payable to the Commonwealth of Massachusetts** – Call 774-255-4527 for hours and details

Step 3:

- Hearing before the Select Board *May 24*
- If approved, the application is forwarded to the ABCC for final review which takes 6 – 8 weeks

Other items that may be needed:

- Entertainment License, Sunday Entertainment License, Automatic Amusement Device License, etc.; filing fees apply
- Sign Permit (Inspectional Services – Building Department)
- Special Permit from Zoning Board of Appeals

Please contact the Select Board Office with any questions: 508-495-7320 or licensing@falmouthma.gov

LAW OFFICES OF
THEODORE A. SCHILLING, P.C.

23 WEST BAY ROAD, SUITE F
OSTERVILLE, MA 02655
TELEPHONE: (508) 775-0700; FAX: (508) 775-0792; CELL 508-237-2988
www.lawcapecod.com EMAIL: tas@lawcapecod.com

Sent via Federal Express

Diane Davidson
Falmouth Selectmen Department
Licensing
59 Town Hall Square
Falmouth, MA 02540

April 29 ,2021

Re: Application for transfer of All Alcohol Liquor License to be drunk on the premises issued to Rockyman LLC dba C SALT Wine Bar and Grille at 75 Davis Straits Falmouth being sold to C SALT WINE BAR AND GRILLE INC. Charles N Withers President applying for Manager.

Diane,

I represent Charles N Withers in the purchase of the above captioned restaurant and application for transfer of the existing Liquor License. I enclosed herewith the completed application with check list, and all required associated documents and payments.

I understand there is a Licensing meeting on May 10,2021 . Since abutter mail notification is not required on a transfer, we are hoping to get on the May 10 agenda.

Please let me know if the May 10th meeting is possible. Also please let me know if I am missing anything in my filing which I believe is complete.

I look forward to hearing from you at your earliest convenience.

Thank you!

Theodore A Schilling



PAID \$10
CK# 6715
PAID \$130
CK# 6724

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** - *move + photo*
 - **Advertisement** *5-14-21*
 - **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 : *n/a*
 - 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
 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.

SEE "ADDITIONAL INFORMATION" FOLLOWING PAGE 8

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.

Two story free standing wood frame building with front and rear entrances/exits on first and second floors with exit to first floor from basement level and exit to outside from basement level. See attached FLOOR PLAN.

Total Sq. Footage	<input type="text" value="1,800"/>	Seating Capacity	<input type="text" value="42"/>	Occupancy Number	<input type="text" value="50"/>
Number of Entrances	<input type="text" value="2"/>	Number of Exits	<input type="text" value="2"/>	Number of Floors	<input type="text" value="2"/>

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
		SEE ATTACHED RESUME		

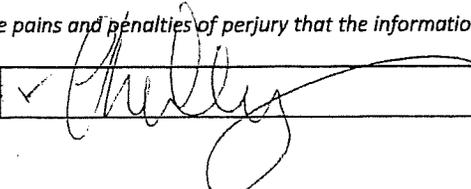
D. PRIOR DISCIPLINARY ACTION

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

April 29, 2021

ADDITIONAL INFORMATION

Please utilize this space to provide any additional information that will support your application or to clarify any answers provided above.

1. TRANSACTION INFORMATION:

I am applying for a transfer of liquor license for C Salt Wine Bar & Grille. C Salt is an elegant 43-seat restaurant in Falmouth, MA. The space is cozy and commands a loyal following, with an open kitchen concept and brick wood-fired oven. The restaurant will retain its name and brand, with the central theme of the restaurant - the highest quality of hospitality and food, being honored in the next stage of its life. The menu is currently classic French technique with a heavy use of Asian influence. I will be removing some of the Asian influence on the cuisine and refocusing on Cape Cod fruits of the sea, with simple French and Italian techniques. I have attached a copy of a primary, proposed menu.



eTIPS On Premise 3.1

CERTIFIED

Issued: 4/10/2021

Expires: 4/10/2024

ID#: 5451893

Charles N Withers
41 Lincoln Ave
Buzzards Bay, MA 02532-2901

For service visit us online at www.gettips.com

Charles Withers

London, UK

cnwithers@gmail.com

Dual citizen USA | UK

EXPERIENCE

Maaemo, Oslo — *Stagiere*

October 2019 - December 2019

- 3 Michelin stars
- 55th best restaurant in the world
- Restaurant closed to reopen in a different location

Petit Pois Bistro, London — *Chef de Cuisine*

January 2019 - October 2019

- Awarded Michelin Bib Gourmand 2020

Ace Hotel, New Orleans — *Wine + FOH*

September 2018 - January 2019

- Worked directly with the GM / Sommelier
- Met with wine producers to learn about production and background

The French Laundry, Yountville— *Demi Chef de Partie*

November 2017 - December 2017

- Sent by my chef to work for a month
- Exposed to hyper seasonal California produce
- Learning techniques in a three Michelin star kitchen

Rich Table, San Francisco— *Chef de Partie*

September 2017 - May 2018

- Learning techniques in a one Michelin star kitchen
- Exposed to hyper seasonal California produce
- Developed higher level product knowledge

Oran Mor Bistro, Nantucket — *Chef de Cuisine*

May 2017 - September 2017 + May 2018 - September 2018

- Two seasons managing a BOH & FOH team of 25
- Executing high quality cuisine in a seasonal environment
- Owner from Daniel***, sommelier from Eleven Madison Park***

Waypoint / Alden & Harlow, Boston— *Chef de Partie*

January 2016 - May 2017

- 500+ cover a night James beard nominated restaurant
- Food and Wine Magazine best new restaurant 2017 in USA

STAGES

The French Laundry ***
Atelier Crenn ***
Lazy Bear **
Frenchie (Paris + London) *
Septime *
Ikoyi *
Orasay
Clove Club *
No. 9 Park
James Beard House

LANGUAGES

English
Good French
Basic Spanish

EDUCATION

Boston College
Chestnut Hill, MA
2013 - 2016

Middlebury College
Middlebury, VT
2012 - 2013

LICENSE APPLICATION REVIEW

Restaurant/Business: C Salt Wine Bar & Grille, Inc

Address: 75 Davis Straits, Falmouth

License Type: All Alcoholic Beverages Common Victualer

- New or Transfer of License
- or
- Change of License

- Police
- Fire
- Building
- Health
- Zoning
- Planning
- DPW

NOTES:

Phyllis Downey

From: Douglas DeCosta
Sent: Friday, May 7, 2021 4:26 PM
To: Phyllis Downey
Cc: Diane Davidson
Subject: Charles Withers of C Salt Wine Bar & Grille

Background Check- Charles Withers of C Salt Wine Bar & Grille Manager of Alcoholic Beverage License

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

Charles Withers of C Salt Wine Bar & Grille

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.

SPW

Phyllis Downey

From: Peter McConarty
Sent: Thursday, May 6, 2021 4:20 PM
To: Phyllis Downey; Scott McGann; Rod Palmer; Timothy Smith; Thomas Bott; Michaela Shoemaker; Patty O'Connell; Noreen Stockman
Cc: Pamela Marshall; Melinda Maranchie; Ashley DeMello; Linda Kinchla; Morgan Cardoso; Boyd Demello; Brian Reid; Sean Doyle
Subject: RE: Select Board request - C Salt Wine Bar & Grille, Inc TRANSFER & PLEDGE OF STOCK & INVENTORY.pdf

Good afternoon Phyllis,

Public Works does not have any comments on the request.

Thank You,
Peter

From: Phyllis Downey
Sent: Thursday, May 6, 2021 2:25 PM
To: Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Michaela Shoemaker <michaela.shoemaker@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
Subject: Select Board request - C Salt Wine Bar & Grille, Inc TRANSFER & PLEDGE OF STOCK & INVENTORY.pdf

Good afternoon,

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May we please request your response by Tuesday, May 18th? The Select Board will review the application at their meeting on May 24th.

Thank you very much,
Phyllis

ZBA

Phyllis Downey

From: Noreen Stockman
Sent: Friday, May 7, 2021 11:00 AM
To: Phyllis Downey
Subject: RE: Select Board request - C Salt Wine Bar & Grille, Inc TRANSFER & PLEDGE OF STOCK & INVENTORY.pdf

No comments for Zoning Board of Appeals,.

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: Thursday, May 6, 2021 2:25 PM
To: Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Michaela Shoemaker <michaela.shoemaker@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
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May we please request your response by Tuesday, May 18th? The Select Board will review the application at their meeting on May 24th.

Thank you very much,
Phyllis

Phyllis Downey

From: Brian Reid
Sent: Friday, May 7, 2021 3:09 PM
To: Phyllis Downey
Cc: Sean Doyle
Subject: RE: Select Board request - C Salt Wine Bar & Grille, Inc TRANSFER & PLEDGE OF STOCK & INVENTORY.pdf

This department has 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

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From: Phyllis Downey
Sent: Thursday, May 6, 2021 2:25 PM
To: Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Michaela Shoemaker <michaela.shoemaker@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>
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May we please request your response by Tuesday, May 18th? The Select Board will review the application at their meeting on May 24th.

Thank you very much,
Phyllis

Phyllis Downey

From: Boyd Demello
Sent: Tuesday, May 11, 2021 7:10 AM
To: Phyllis Downey; Scott McGann; Rod Palmer; Timothy Smith; Thomas Bott; Michaela Shoemaker; Patty O'Connell; Noreen Stockman; Peter McConarty
Cc: Pamela Marshall; Melinda Maranchie; Ashley DeMello; Linda Kinchla; Morgan Cardoso; Brian Reid; Sean Doyle; Boyd Demello
Subject: RE: Select Board request - C Salt Wine Bar & Grille, Inc TRANSFER & PLEDGE OF STOCK & INVENTORY.pdf

Phyllis,
 Fire Rescue has no issues with this transfer

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

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From: Phyllis Downey
Sent: Thursday, May 6, 2021 2:25 PM
To: Scott McGann <scott.mcgann@falmouthma.gov>; Rod Palmer <rod.palmer@falmouthma.gov>; Timothy Smith <timothy.smith@falmouthfirema.gov>; Thomas Bott <thomas.bott@falmouthma.gov>; Michaela Shoemaker <michaela.shoemaker@falmouthma.gov>; Patty O'Connell <patricia.oconnell@falmouthma.gov>; Noreen Stockman <noreen.stockman@falmouthma.gov>; Peter McConarty <peter.mcconarty@falmouthma.gov>
Cc: Pamela Marshall <pamela.marshall@falmouthma.gov>; Melinda Maranchie <melinda.maranchie@falmouthma.gov>; Ashley DeMello <ashley.demello@falmouthma.gov>; Linda Kinchla <linda.kinchla@falmouthma.gov>; Morgan Cardoso <morgan.cardoso@falmouthma.gov>; Boyd Demello <boyd.demello@falmouthfirema.gov>; Brian Reid <brian.reid@falmouthpolicema.gov>; Sean Doyle <sean.doyle@falmouthpolicema.gov>
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Thank you very much,
Phyllis

BUSINESS

2. Discussion of authorizing the Town Manager to transmit a letter to Governor and Senate President regarding concerns on the expiration of emergency provisions related to restaurants

Diane Davidson

From: Julian Suso
Sent: Friday, May 21, 2021 2:55 PM
To: Diane Davidson
Subject: FW: Outdoor Dining Permits--Expected Expiration August 14

Diane,
FYI. For the SB packet today (under Business item #2).
Julian

From: Irie Mullin <irie.mullin@falmouthma.gov>
Sent: Friday, May 21, 2021 10:25 AM
To: Julian Suso <julian.suso@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>
Cc: Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>
Subject: RE: Outdoor Dining Permits--Expected Expiration August 14

Julian,

As of June 15, if pending legislation addressing permanent remote participation is not passed, board members must be in-person, and the public must be allowed into the in-person meeting room. Thus, you are correct that as of June 15th, resumption of in-person meetings is mandatory.

However, it appears that a board could nevertheless simultaneously broadcast the in-person meeting via Zoom, and allow remote participation of the public/applicants via Zoom (and/or other remote means, like telephone). There are some factors to consider if this "hybrid" approach were to be taken.

First, the town should adopt a uniform policy for all public meetings conducted as hybrid, to ensure that different boards are not allowing different levels of access. When moving to Zoom under the emergency order last April, a single policy was supposed to be in place (applicants/attorneys on camera, public/abutters in chat only), but I have seen/heard anecdotally that some boards were regularly applying different standards (i.e. SB was regularly promoting some public commenters to video and leaving others in chat, Zoning or Planning may have been allowing abutter attorneys on camera, Con Com was following the stated policy). I would suggest a formal written policy for boards to follow if a hybrid approach is taken.

Second, constitutional due process rights may be implicated for public hearings which involve remote participation. Applicants and interested parties (i.e. abutters) have a right to participate in hearings which may include the right to cross-examine/rebut witness testimony received by a permitting board. This may be impaired depending on how an individual giving testimony to the board is participating---i.e. it may be difficult to cross-examine someone participating only through text chat on Zoom. For that reason, I would suggest that if we do adopt a uniform hybrid meeting policy, the remote access type used for all members of the public and applicants be the same---i.e. audio/video participation on live camera. In the past, under the emergency order, it was permissible to limit public participation to chat, which helped the town successfully avoid any "Zoom bombing" obscenity incidents. But where remote participation is no longer mandatory due to the pandemic, it is more difficult to justify different treatment of categories of public participants. Having any interested person promoted to on-camera participation may place an additional burden on IT in running these meetings, which should be considered when adopting a hybrid policy.

Third, if applicants are going to participate remotely, the risk of a subsequent due process violation claim (particularly in the event of technical difficulties) would be reduced if the board obtained a consent/waiver from the applicant agreeing

to the risks of participating remotely and acknowledging that in-person access was available but waived at their own election.

Fourth, providing a remote participation option increases the risk of an OML or due process violation claim if there are technical problems on the remote platform—even though an in-person option would still be available in that scenario, individuals may argue that they relied on the town’s provision of remote participation which then did not work, and thus were deprived of their right to participation because it was then too late to get to the in-person meeting site. This type of claim would be a new issue for the AG and courts to consider, and thus it is not clear whether such a claim would be successful.

Given these factors at play, I would advise that as of June 15, meetings go to in-person only for at least a period of time until the Select Board can develop and adopt a hybrid meeting policy for all public meetings. However, if there is passage in the meantime of the bills pending in the legislature which permanently codify the emergency remote participation order into the OML statute, it may be possible to reassess the switch to in-person only before June 15. Given the uncertainty at this point, and the need for certain boards to publish advance public notices in the newspaper now for hearings commencing on or after June 15, I have advised all boards to identify meetings as occurring at their normal in-person locations only after June 15.

Please let me know if I can provide additional clarification.

Thanks,
Irie

Irie E. Mullin, Associate 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.

From: Julian Suso <julian.suso@falmouthma.gov>
Sent: Friday, May 21, 2021 9:37 AM
To: Irie Mullin <irie.mullin@falmouthma.gov>; Frank Duffy <frank.duffy@falmouthma.gov>
Subject: FW: Outdoor Dining Permits--Expected Expiration August 14

Irie and Frank,
Thank you for this update. Can you please advise your assessment of the impact of the Governor’s anticipated lifting of his emergency order on June 15 as it relates to potential continuation of virtual zoom meetings for those Boards, Commissions and Committees that are governed by the State Open Meeting Law? I am assuming that, absent separate action by the Governor or Legislature, that effective on that date virtual zoom meetings for that category of public entities will not be possible and that in-person meetings will be mandatory. Your assessment? Thanks.
Julian

From: Irie Mullin <irie.mullin@falmouthma.gov>
Sent: Tuesday, May 18, 2021 1:15 PM
To: Julian Suso <julian.suso@falmouthma.gov>; Peter Johnson-Staub <peter.johnson-staub@falmouthma.gov>; Megan

English Braga <megan.english-braga@falmouthma.gov>

Cc: Frank Duffy <frank.duffy@falmouthma.gov>; Diane Davidson <diane.davidson@falmouthma.gov>; Phyllis Downey <phyllis.downey@falmouthma.gov>

Subject: Outdoor Dining Permits--Expected Expiration August 14

Julian, Peter and Megan,

As you know, the Governor recently announced his intention to end the declared Covid-19 emergency on June 15. All existing temporary outdoor dining permits, issued under the authority of the Select Board granted by the Governor's Orders No. 35 and 50, authorize the use of these spaces until November 1 or 60 days after the end of the pandemic emergency, whichever is sooner. Thus, if the emergency is ended as expected on June 15, all outdoor dining permits issued under Orders 35 & 50 will expire as August 14, 2021.

Given that this date falls within the summer season, this may inconvenience restaurants which have come to rely on these areas. However, absent a further order by the Governor issued in the interim, the Select Board does not have the authority to override zoning bylaws and other regulations that would otherwise prohibit these areas/uses. For outdoor dining permits that include the service of alcoholic beverages, a further order of the Governor or change in ABCC regulations would be necessary to extend licensed premises beyond August 14, as current ABCC license amendments are temporary and tied to the emergency period only.

In such circumstances, the Select Board may receive a significant number of new applications to permanently extend alcoholic beverage premises and CV descriptions. Input from Zoning, Planning and Building can help determine whether proposed outdoor seating areas are otherwise lawful under zoning or building code, before permanent expansions of outdoor premises are approved.

I will further update you if the Governor/ABCC take any action to bridge this transition date/process, but in the meantime, perhaps we should meet to discuss the impact of an expected outdoor dining discontinuance on August 14.

Thanks,
Irie

Irie E. Mullin, Associate 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.

3. Interview applicants for the Sandwich Road Fire Station Building Committee:

- a. Christopher Simmler
- b. Marc Finneran
- c. Edward Pride
- d. Patrick Callahan

Town of Falmouth
Sandwich Road Fire Station Building Committee

Purpose

The purpose of the Sandwich Road Fire Station Building Committee is to work closely in collaboration with and support of the Owner's Project Manager, the Architect, Town Manager, Fire Chief, and Finance Director in overseeing and facilitating the design and successful construction of this new fire station.

Composition and Term

The Committee will consist of up to seven volunteer members who are "practitioners" with hands-on experience in the actual building procurement and/or construction process to assist in guiding this design and construction. The appointed members will serve through the conclusion of the fire station construction as signified by the issuance of an occupancy permit.

Committee Requirements

The Committee will designate a Chair and Vice-Chair from among its members as well as a Recording Secretary. Per State Statute, this Committee is subject to all Open Meeting Law requirements including the timely posting of meeting agendas and the recording of minutes.

Applications for volunteers will be accepted in the Office of the Town Manager and Select Board until 4:00 p.m. on Monday, May 17, 2021. Applications can be found on the town website at <https://www.falmouthma.gov/647/Town-Committees>.

On request of the Falmouth Select Board.

Publication date: Friday, April 30, 2021

Account #: 2056



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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

Name: christopher simmler

Address: 65 walker st Village: Falmouth ZIP: 02540

Mailing Address: 65 walker st Village: Falmouth ZIP: 02540

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident _____ (date: _____) / Taxpayer 5 (date: 2016)

Amount of time you are available to give: 8 -12 hrs/month for meetings

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

1. Sandwich Road Fire Station Bldg Cmte
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? No

Relevant affiliation and work and personal experiences: Previously served on Falmouth

New Senior Center Building Project. Professional career involves providing

Owner's Project Management services to public clients. Posses

MCPPO certification. Civil Engineer by education.

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

Falmouth EDIC - 2017 to current (Vice Chairman)

Falmouth Senior Center Building Committee (Secretary) 2018-2020

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

I understand the public procurement process as
as well as design phase needs/expectations.

Very familiar with current GC pricing and economic
factors; project controls; scheduling and potential
constrction risks

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Jim Vierira</u>	<u>Frmr Chair Senioe Center Bldg Cmte</u>	<u>[REDACTED]</u>
2.	<u>David Choi AIA</u>	<u>Jacobs OPM</u>	<u>[REDACTED]</u>
3.	<u>Paul Dryer</u>	<u>Falmouth Resident</u>	<u>[REDACTED]</u>

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

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

5/5/21
DATE

christopher simmler Digitally signed by christopher simmler
Date: 2021.05.05 14:32:59 -04'00'
APPLICANT'S SIGNATURE

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



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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

Name: Edward Pride

Address: 94 Bourne Pond Road Village: East Falmouth ZIP: MA 02536

Mailing Address: Box 835 Village: East Falmouth ZIP: 02536

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident full (date: 2010) / Taxpayer 1980 (date:)

Amount of time you are available to give: as much as needed

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

1. Fire Station
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? No

Relevant affiliation and work and personal experiences _____

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

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

You may attach a resume to this application.

List three (3) references:

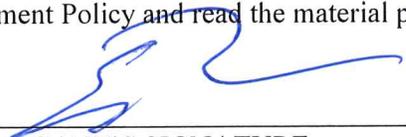
	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____

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

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

5/10/21

DATE



APPLICANT'S SIGNATURE

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



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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

Name: Edward W. Fide

Address: 94 Bourmes Pond Road Village: East Falmouth ZIP: 02536

Mailing Address: Box 835 Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 64 years (date: _____) / Taxpayer 64 years (date: _____)

Amount of time you are available to give: 10 hours / week

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

1. Golf
2. Fire
3. _____

Seeking: Permanent Position Alternate Position _____

Relevant affiliation & work & personal experiences _____

town meeting member

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

None

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

I play golf.

Three (3) References:

	Name	Title	Phone
1.	John Banner		[REDACTED]
2.	George Bagley		[REDACTED]
3.	Nel fields		[REDACTED]

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

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

4/14/21
DATE

[Signature]
APPLICANT'S SIGNATURE

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

ACKNOWLEDGMENT OF RECEIPT

I, Edward Pride, an employee at town meeting,
(first and last name) (name of municipal dept.)

hereby acknowledge that I received a copy of the summary of the conflict of interest law
for municipal employees, revised November 14, 2016, on 1/2020.
(date)

Municipal employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, municipal employees may send an email acknowledging receipt of the summary to the individual who provided them with a copy of it.



TOWN OF FALMOUTH

BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM

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

Name: MARC FINNERN

Address: 98 Grand Ave Village: _____ ZIP: 02540

Mailing Address: _____ Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 35^{YRS} (date: _____) / Taxpayer (date: _____)

Amount of time you are available to give: Amount necessary.

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

- Fire Station Building
- _____
- _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? Previous (Location Comm.)

Relevant affiliation and work and personal experiences College educated in Civil Engineering, Worked for years in construction of all types. I believe I bring an element to ~~the~~ table that most people can't.

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

I Have been active many years

and have passed numerous
Town Meeting articles including zoning.

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

I believe I pass a simple,
logical and cheaper way
for the town to move forward.
I believe the citizens and taxpayers
desire to save in the way towns
across America have proven is
possible.

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>Matt McNamara</u>	<u>lawyer/ZBA</u>	<u>[REDACTED]</u>
2.	<u>Hon. James M. Sullivan</u>	<u>Judge / Plymouth Dist. Court</u>	<u>[REDACTED]</u>
3.	<u>The Falmouth Citizen</u>	<u>[REDACTED]</u>	<u>[REDACTED]</u>

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

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

5-12
DATE

[Signature]
APPLICANT'S SIGNATURE

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



**TOWN OF FALMOUTH
BOARD, COMMITTEE OR COMMISSION
APPLICATION FORM**

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

Name: patrick callahan

Address: 44 summit ln Village: falmouth ZIP: 02536

Mailing Address: _____ Village: _____ ZIP: _____

Telephone: [REDACTED] Email: [REDACTED]

How long have you been a Resident 26 (date: _____) / Taxpayer 26 (date: _____)

Amount of time you are available to give: a few hrs per week

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

1. building committee
2. _____
3. _____

Seeking: Permanent Position Alternate Position

Have you attended any meetings of the committee for which you are applying? no

Relevant affiliation and work and personal experiences: _____

I run a GC firm in Bridgewater

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

na

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

I understand the design and construction business and process

You may attach a resume to this application.

List three (3) references:

	<u>Name</u>	<u>Title</u>	<u>Phone</u>
1.	<u>dave shriner</u>	_____	_____
2.	<u>steve hough</u>	_____	_____
3.	<u>steve dufresne</u>	_____	_____

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

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

5/5/21

DATE

APPLICANT'S SIGNATURE

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

4. Report from representatives of FalmouthNet

FalmouthNet moving beyond the Feasibility Study

Update on the efforts of FalmouthNet, Inc.



Gathering information, learning best practices

- Talking to over a dozen network builders, engineering firms and ISPs
- Talking to many existing community networks and national experts
- Learning the details of how best to build and operate community networks and how to apply them in Falmouth
- Investigating private and public funding sources and offering input on pending legislation
- Encouraging OpenCape to define its role developing and operating residential networks in the region



Key lessons learned

- Primary metrics driving builders and investors
 - Potential market size – expansion opportunities beyond Falmouth are important
 - Cost per passing – Falmouth is a little high, partial funding to be more attractive
 - Take rate - To our advantage the CCG study shows us well above average
 - Rate of return – Not as good as denser suburban areas, but better than rural
- Private companies are potentially interested in building, operating and paying for a network
- Public/private partnerships with shared costs, operations and revenues are possible but can be tricky to arrange



Time is of the essence

- The interest in community networks is increasing dramatically
 - The COVID pandemic and work/learn at home have demonstrated both the technical shortcomings of current networks and inequities
 - Hundreds of communities are beginning efforts to create better digital futures
 - Consultants, engineers and builders are getting saturated
 - Lead times for materials and fiber optic cable is already $> \frac{1}{2}$ year
- Preparation is critical to apply for state/federal funding
 - Detailed engineering and financial plans will be needed
 - Political support at all levels of government will be key
 - Shovel ready projects will go to the front



Building support within government

- Discussions with offices of Sen. Markey and Warren and Rep. Keating
 - Promoting the notion of “seasonally underserved communities”
- Discussions with State Sen. Moran, Rep. Vieira and Fernandes
 - All have requested funds for an engineering design
 - Inclusion of broadband in private utility right of ways
- Discussions with Falmouth Select Board and Town meeting members



Community educational and outreach campaign

- Multiple Zoom meetings with community groups
- A new website and growing presence in social media
 - About 1,000 followers on FaceBook
- Starting a town-wide informational effort using \$50K raised from donors
- Produced a video explaining the need for FalmouthNet



Paths forward

- Fully town funded network - \$70-75M bond
 - Town owns the network and either operates it or contracts for services
 - Revenue from operations largely repays the bonds after the first 5-6 years
 - Town sets policies for pricing, accessibility, performance and other matters
- Privately funded network
 - Company funds, builds, owns and operates the network
 - Revenue goes mostly to the company, but the town could negotiate for some
 - Company sets policies, ideally with guidance from the town
 - State of the art network and competition is introduced to Falmouth
- Federal broadband infrastructure grants
 - Potentially there is up to \$100B in federal money that will become available
 - Timing and eligibility requirements are uncertain
 - To date Falmouth has not qualified for broadband grants, but rules may become more favorable
- Combination of funding sources – remaining flexible
 - While there are many possible funding sources it seems likely that a blend will be needed
 - Some town investment is the best way to insure it has a stake in the policies and the evolution of the network
 - Partnerships can bring the best available expertise to Falmouth



Next Steps for FalmouthNet

- Continue to advocate for a Falmouth fiber optic network
 - Engage with Town government
 - Provide the best information possible to the residents of Falmouth
 - Maintain contacts with state and federal legislators
- Work to initiate an engineering design to refine construction details, timelines and costs
 - Estimated cost of \$200K as requested in a letter to the Town
 - Provide technical and administrative support
- Prepare to respond to potential public funding opportunities
- Collaborate with the Town and other interested parties to move the effort forward as quickly as possible
 - Participate in a Town working group
 - Help create a microtrenching policy



FalmouthNet, Inc. Board and Advisors

FalmouthNet is now a registered non-profit company

- Board Members

- Courtney Bird – President and Treasurer – *Retired Teacher, Builder, Cape Cod Marathon Director, and Falmouth Conservation Commission member*
- Marilois Snowman – Vice President - *CEO and Founder of Mediastruction*
- –David Isenberg – Clerk – *Distinguished Member of Technical Staff Bell, AT&T, Labs (retired) and former Senior Advisor to the FCC*
- Art Gaylord – *Co-founder and Chairman Emeritus, OpenCape, retired Information Technology Director WHOI*
- Dan Gessen – *Falmouth High School Grad, Class of 2018. Junior at the University of Massachusetts, Amherst.*
- Peter Zeeb – *President and CEO of Geosyntec Consultants*

- Advisory Committee

- Chris Mitchell - *Director of the Community Broadband Networks Initiative at the Institute for Local Self Reliance. He is a leading national expert on community broadband networks*
- Brough Turner – *Founder of netBlazr Inc. (Boston based residential network)*
- Gene Curry - *Attorney, Chair of the Cape Cod Blue Economy Foundation and of the Infrastructure Committee of the Cape Cod Technology Council*



5. Report – Falmouth Cultural Council

6. Report – Transportation Management Committee

Transportation Management Committee
Town of Falmouth

Annual Report of the Transportation Management Committee (TMC) - May 2021

Thanks and recognition

1. The TMC expresses thanks to our Select Board liaison Doug Brown who not only has attended the majority of our meetings but has served as a guiding light and an advocate for practical solutions.
2. The TMC has received solid support and input from a number of Town officials. Peter McConarty and Jim McLoughlin at the DPW have provided not just knowledge but professionalism. Despite being limited by resources, they consistently give it their best shot. Chief Dunne and Chief Smith likewise have provided the TMC a candid and knowledgeable perspective.
3. Tom Cahir of the CCRTA has been an important contributor for all things related to public transportation.
4. We have gotten great community support including from the Falmouth Chamber of Commerce, the Falmouth Village Association, Woods Hole Business Association, St Barnabas and the more than 1,100 citizens who participated in our downtown survey.

Requests and Recommendations

1. The TMC has submitted a number of reports and made one public presentation to the Select Board. To date there has been no action taken on any of the TMC's recommendations except for our recommendation on the size of the committee¹. Please let us know why you act or don't act. It is difficult to measure whether the TMC is fulfilling the mission you gave us without such feedback.
2. This is the TMC's first year of operation. You gave us a broad mission statement – all things transportation. It would be helpful for the Committee to know whether we are on the right track or not. We have largely self-selected priorities and it is important to know whether you agree.
3. Please authorize the TMC to post its reports on the Committee's web page.
4. We should receive basic clerical support from the Town consistent with other Committees, e.g. Bicycle and Pedestrian Committee.

Membership and attendance

For personal reasons, Jane Perry was forced to resign from the TMC in January of 2021. She is an incredible force and advocate that transportation must accommodate all people, young and old, rich and poor, sighted and sightless, hearing able and hearing impaired, ambulatory or wheelchair bound. She will be missed. With the exception of Paul Grunden (Commission on Disabilities representative), who has had some health challenges, the TMC has had perfect attendance. Thank you for your recent appointment of Ted Fitzelle, which brings us up to our full compliment.

¹ While the recommendation on the size of the TMC was approved and voted by the Board, the TMC never received notice or feedback.

Summary of actions

Because of Covid 19, the TMC did not hold its first meeting until July 23, 2020. At that time, the TMC identified numerous transportation challenges faced by the Town and focused on three primary transportation priorities – downtown access and parking; implementation of the Complete Streets Policy; and impacts associated with Steamship Authority freight operations. In September we issued our first transportation report and recommendations on Steamship Freight Operations. The report recommended and identified potential grant opportunities to carry out a study to identify a 21st freight operation. The TMC noted a number of problems and inefficiencies with the existing freight system placing an unnecessary burden on Falmouth. We recently issued a second report which confirmed our original findings and added additional recommendations.

The TMC issued a report upon Complete Streets on its one-year anniversary. The report identified some lapses in implementation, a continued misunderstanding of Complete Streets by some in town government and recommended some improvements to the policy. The Committee has also been in contact with the Cape Cod Commission as it prepares the delayed prioritization plan. The TMC identified improved pavement management as a potential means to pay for Complete Streets. Pavement Management programs similar to ones advocated by the Mass. Municipal Association save towns millions of dollars over the lifecycle of pavement by essentially extending the life of the pavement. Using pavement management tools not currently in DPW's toolbox can double the life of pavement. Lexington, which earned a national award for its pavement program, offered to return \$1.5 million from its roadways budget after just five years while at the same time improving its overall pavement condition from fair or poor up to a solid good across the town. The DPW has been very helpful with our investigation/evaluation on the pavement side. The TMC hopes that the Town Manager, who has been reticent about pavement management, will reconsider and fully engage with the Committee and its investigation/evaluation. Until that engagement we are unable to make any recommendations on the value of improved pavement management for you to consider.

The TMC identified improved parking management and better connectivity for the disabled, pedestrians and cyclist to improve the overall downtown experience. The Committee issued 2 detailed reports on our downtown. We conducted a citizen survey and forwarded the results to the Select Board. The TMC believes improved management should be used before purchasing land for parking or paving additional land for parking. Downtown can be both better connected and more welcoming for the disabled, pedestrians, shoppers, diners and cyclists.

Reports and Recommendations submitted to Select Board:

- | | |
|---------|---|
| 5/14/21 | Second Report and Recommendations by the Transportation Management Committee (TMC) Regarding Transportation Related Impacts of Steamship Authority Freight Operations |
| 4/20/21 | Recommended Select Board actions for improving downtown traffic and parking From the report by the Falmouth Transportation Management Committee |
| 4/20/21 | Downtown traffic and parking survey: Summary of results |

- 3/11/21 Updated - Initial Report – Recommendations for 2021 and Beyond IMPROVING ACCESS TO DOWNTOWN
- 2/26/21 Complete Streets – Evaluation of the First Year of the Policy
- 2/13/21 First version - Initial Report – Recommendations for 2021 and Beyond IMPROVING ACCESS TO DOWNTOWN
- 11/13/20 Letter - Transportation Planning/Funding Recommendation
- 9/11/20 Preliminary Report and Recommendations by the Transportation Management Committee Regarding Transportation Related Impacts of Steamship Authority Freight Operations
- 8/14/20 Letter - Size and Composition of the Transportation Management Committee

Report approved by the Committee at its May 13, 2021 Meeting.

May 13, 2021

SECOND REPORT AND RECOMMENDATIONS BY THE TRANSPORTATION MANAGEMENT COMMITTEE (TMC) REGARDING TRANSPORTATION RELATED IMPACTS OF STEAMSHIP AUTHORITY FREIGHT OPERATIONS

Summary of updated recommendations:

The Select Board needs to take a stronger posture communicating Falmouth's interest in the Authority's present and future operations. Direct a letter to the Authority stating:

- 1- The Select Board's endorsement of the Committee's original recommendation for the Steamship Authority to immediately seek grant funding for a comprehensive study of freight operations and determine what creating a 21st century freight operation would entail.
- 2- For there to be any chance of development of an off-Cape freight port, the Steamship Authority must include representation from New Bedford on its Vineyard long-range planning task force.
- 3- Recommend the Steamship Authority hire a professional planning facilitator to lead its Vineyard long-range planning task force.
- 4- Based on the findings in this and the previous report reiterate the Town's strenuous objection to the 5:30 AM freight boat from Woods Hole. That boat has not been demonstrated to be required for providing "adequate transportation of persons and necessities of life" to the Vineyard.
- 5- Accept nothing less than optimization of freight scheduling and loading. It is apparent from testimony by the Authority that freight is being operated for the convenience of truckers and truckers' schedules.

Select Board actions relative to the General Court:

1. Send a letter of support for Senator Moran's proposed amendment to the Enabling Act.
2. Communicate Select Board support to Representative Fernandes and Representative Vieira. Request a public meeting with Representative Fernandes to hear his opposition to the amendment. Urge Representative Vieira to support the bill.

Actions by Town Manager:

1. Direct the Town Manager, coordinating with appropriate Town staff, to begin a process to develop a bylaw the purpose of which is to institute and promote so-called quiet hours (no trucks, construction equipment, residential trash collection¹ etc.) throughout residential areas in the Town.

¹ A trash collection bylaw exists (Section 191-10). Based upon court decisions the trash collection time restrictions are unenforceable in commercial and business districts (see also Section 191-11).

2. Direct the Town Manager to establish a regular channel of communication between our town staff and corresponding officials in the City of New Bedford and port communities on the Vineyard regarding common interests in freight operations between and the Vineyard mainland.
3. Carry out a public and transparent process for the lease of the Town owned Woods Hole parking lot. First and foremost, determine whether the best use of the property is to support Woods Hole residents, businesses and institutions.
4. Direct the Town Manager to carry out a review of excise tax collection from car owners utilizing long term parking in Authority lots.

Select Board additional actions.

1. Replace the Town Manger with a more actively engaged representative on the Vineyard long-range planning task force.
2. With an effective date of October 19, 2021, post Crane Street and Cowdry Road no truck traffic 10 PM to 6 AM.
3. Explore a Memorandum of Understanding between the Town and the Steamship Authority to define critical terms in the Enabling Act such as “adequate transportation of persons and necessities of life” and define an acceptable level of service consistent with the Enabling Act. This MOU should be guided by the Barnstable capacity agreement.

Progress

The TMC has continued our investigation of Steamship Authority freight operations. We have met on three occasions with the General Manager and Falmouth Representative to the Steamship Authority. We also met with representatives of the Urban Harbors Institute at UMass Boston and MassDOT about their study of greenhouse gas emissions associated with SSA freight operations and potential greenhouse gas reductions associated with diverting freight to an off-Cape port. Additionally, we had a presentation from the Southeast Massachusetts Regional Transportation (SMART) Citizens Task Force on the impacts of freight operations. Through these meetings we confirmed our findings in the Preliminary Report including the high proportion of trucks transported by the SSA that are empty or only partially loaded as well as other inefficiencies. We also received a referral from the Traffic Advisory Committee on a citizen request to post Crane Street and Cowdry Road “no truck traffic 10 PM to 6 AM” or something similar. We continued our deliberations to allow the Steamship Authority to consider management alternatives that would result in elimination of the 5:30 AM boat from the schedule. On May 13, the Authority reported that it was unable to eliminate the 5:30 AM boat for 2021 but would do everything it could do to eliminate it in 2022. The Committee voted to support/recommend the posting with an effective date of October 19, 2021. This provides the Authority time to institute a better solution which is the elimination of early morning sailings and carry out the 2021 schedule. The Committee has identified some potential consequences of the posting but thinks consideration of wider application of a so-called quiet hours based upon noise survey data in residential areas would be a benefit to all residents throughout the town. A recurring theme throughout all of these meetings is that no one has a clear understanding of what “adequate transportation of persons and necessities of life”, the stated mission of the Steamship

Authority, means particularly as it relates to freight operations. The Authority General Manager stated at one of our meetings is that he equates “adequate” with “essential.”²

Original Recommendation: The Steamship Authority learned of our preliminary report and requested a copy. In response the SSA characterized the TMC recommendation of a grant to establish what an ideal 21st century freight forwarding system would require and how best instituted as a “no brainer” but noted the organization has little or no experience securing grants and was unsure of the entity that could carry out an appropriate study. They asked that a representative from TMC present the preliminary report before their noise and traffic committee and the Vineyard long-range planning task force. This occurred in March. While the report was well received, neither group took any specific action on the report at their meetings. Since the TMC Preliminary Report, the federal administration has changed and promoted even more supportive policy initiatives (transportation, infrastructure and greenhouse gas reductions) than the previous administration that strongly encouraged a grant application.

Moran Amendment: Senator Moran told the TMC that her amendment to the Enabling Act³ was designed to promote consensus building and move away from the island v. mainland dynamic. We agree. The TMC heard from opponents of the bill and found that they misconstrued the nuts and bolts of the amendment. We urge the Select Board to endorse the change through a letter of support to the General Court’s Committee on Transportation. Because Representative Fernandes has publicly opposed the amendment, we recommend the Select Board invite him to a meeting to explain how the amendment does not meet Senator Moran’s goal of consensus building or why he stands in opposition. We are unaware of Representative Vieira’s position on the amendment.

Steamship Authority Engagement: The Steamship Authority has been cordial, open and candid about the operational impacts upon Falmouth. They have endorsed the TMC Preliminary Report as an appropriate action within its Vineyard Long Range Planning Task Force. Surprisingly, their depth of analysis of their operation seemed wanting by the TMC. They struggled to explain the actual need or necessity for the 5:30 AM freight boat. The Authority explanations focused largely on inconvenience to truckers, truckers work day and island business preferred delivery times to reduce island traffic congestion. Without data, the Authority counsel articulated dire economic consequences of capping nonresident vehicle passage in order to free additional space for freight. It is the opinion of the TMC that the Authority is operating a demand-based system based upon serving the convenience of its customers. This is the long-established status quo and it needs to be challenged at every opportunity. The 21st century study of freight operations is just a beginning. We also recommend the Select Board consider recommending a requirement of an independent Kass-like review of Authority operations at least every 10 years be added to the Enabling Act.

Vineyard Long Range Planning Task Force: Although invited by the Authority, New Bedford is not represented on the task force. In response to the Kass Report, New Bedford was given a seat

² It was noted by a citizen at one of our meetings that on the 5:30 AM freight boat the trucks included food trucks, a utility truck, landscape materials, a dump truck, countertop delivery truck, lumber and appliances.

³ <https://malegislature.gov/Bills/192/S2361>

at the table with its perceived inevitable role as an off-Cape port to the islands. In the approximately 20 years since Kass, a number of pilot freight and passenger operations have been operated from New Bedford. However, there is no planned or regular operation by the Steamship Authority to or from New Bedford, and there is no New Bedford representative on the long-range planning task force regarding the Authority's plans or goals for the port. We recommend the Select Board send a letter to the SSA strongly encouraging them to reinvite New Bedford to participate in the Task Force with at least 2 representatives.

Falmouth representation: In reviewing minutes of the Task Force, the TMC noted a number of good discussions and interviews but we could not discern an outcome focused path or even definitive first steps identified. The Task Force has a strong Vineyard bias. That bias is even more enhanced by our Town Manager (one of our two representatives) who has not made a single contribution or even comment noted in the minutes. We recommend that the Select Board replace the Town Manager with one of the highly motivated and knowledgeable members of our community who have diligently researched the issues and have been advocating for changes.

Task Force Facilitation: The Task Force needs outcome focused direction and a professional planning facilitator is desperately needed (similar to the Consensus Building Institute (CBI) used by the Cape Cod Commission on wastewater and climate) to plan and facilitate its Vineyard long-range planning task force and make the process more results oriented. We recommend the Select Board send a letter to the SSA encouraging them to contract a trained facilitator for the Task Force.

"Adequate transportation of persons and necessities of life" needs to be defined: As enumerated in the Enabling Act, the mission of the Steamship Authority is to provide adequate transportation of persons and necessities of life to the islands. In all of our meetings no one was able to provide a clear understanding of this mission. Our discussions with the Authority focused on convenience, inconvenience, burden on truckers and lack of Vineyard alternative transportation. The Counsel for the Authority cited the cost of family of four tourists being burdened with a taxi fare of \$80 to go out to dinner as a factor in the devastating impact on the local economy if a cap was placed on nonresident vehicles. Placing a cap would potentially reduce the number of trips and make more space available for the necessities of life. We recommend a Memorandum of Understanding agreeing to the practical meaning of the mission and define an adequate schedule. The existing agreement with Barnstable can serve as a guide. Based on the community impacts, the status quo, the reluctance to alter the schedule to address measurable impacts amounting to a legal nuisance, there is a likely cognizable legal claim that the Authority is unnecessarily exceeding its mission of providing "adequate transportation" and thereby causing harm to Falmouth. An MOU would help avoid litigation now or in the future.

Greenhouse Gas Emission Study: Mass DOT has contracted with the Urban Harbors Institute at UMass Boston to assess the potential reduction of greenhouse gas emissions by rerouting some or all Steamship freight movement to an off-Cape port such as New Bedford and reducing overall truck traffic utilization of Cape bridges. The study is due out in early summer. The study is based upon the premise that the majority of freight destined for the island passes through or in close proximity to the port of New Bedford. The study is expected to quantify both the

environmental benefits and financial impacts of freight diversion to the an off-Cape port. The TMC is continuing its dialogue with Urban Harbors.

The Steamship Authority should consider incentives to optimize loads: The TMC has confirmed that a large proportion of trucks carried on Authority vessels are completely empty. Additionally, the Authority does not measure or have a means to determine partially loaded trucks. The Authority has taken some steps to address load efficiency by shifting fares from weight based to length based. It also encourages back hauls (encouraging trucks to pick up return loads). It is important to note that the Vineyard's chief exports are trash and septage. Incentives to maximize/optimize available truck capacity should be considered by the Authority. Based on the survey of trucks submitted to the TMC, some companies have multiple trucks on the same ferry. This is a starting point to see why companies need multiple trucks on the same ferry and pursue management options to discourage unnecessary trips.

Referral from the Traffic Advisory Committee: The Traffic Advisory Committee and Select Board member Jones both asked the TMC review a request by Nat Trumbull to prohibit trucks during certain hours on Crane Street and Cowdry Road. The practical impact of the proposal would be to prohibit the Authority from operating its 5:30 AM freight boat. There are some potential community impacts that need to be considered including potential truck traffic in other neighborhoods and trucks forced to go into Woods Hole village to comply with the closure. Chief Dunne told the TMC he would be hard pressed to enforce the restriction. The TMC believes that a better solution is to eliminate the 5:30 AM boat through improved scheduling and management initiatives. The Authority reported back that it had considered some schedule changes recommended by the TMC but was unable to eliminate the 5:30 boat from the 2021 summer schedule. The Authority committed to doing all that it could do to eliminate the early trips from the 2022 schedule. While the TMC voiced some skepticism with the Authority's reasoning for 2021, the TMC recommends adopting the Trumbull proposal with an effective date of October 19, 2021. The Committee believes there should be a mechanism available to residential neighborhoods that are plagued with early morning truck traffic and establish quiet hours if necessary. The Town should explore a quiet hours bylaw based on sound impact data.

Use of the Town owned parking lot currently being leased to the Steamship Authority⁴: The TMC and its members have been asked about the Town owned parking lot currently under lease to the Steamship Authority with a side agreement with the Woods Hole Business Association for employee parking. The complaints largely have been focused on the lack of transparency in leasing the property and the loss of previous metered parking for village customers. There is a committee that oversees the parking operations which appears to be Authority centric. The Select Board should consider whether this parking lot is being used in the best interest of our community.

Excise Tax: From a revenue perspective, both the Woods Hole and Palmer lots are used for long term parking by the Authority's customers. In Massachusetts excise tax is based upon where a vehicle is garaged. According to the Department of Revenue, long term parking arrangements such as the Authority allows/permits satisfy the garaging standard and the owners of these cars

⁴ We note that this item is not related to freight operations.

should be paying excise tax to Falmouth. Currently, the Tax Assessor has no way to track vehicles parked on a long-term basis in Authority lots. This needs to be investigated and if necessary coordinated with the Authority to ensure such permittees are conforming with the law and paying excise tax to Falmouth.

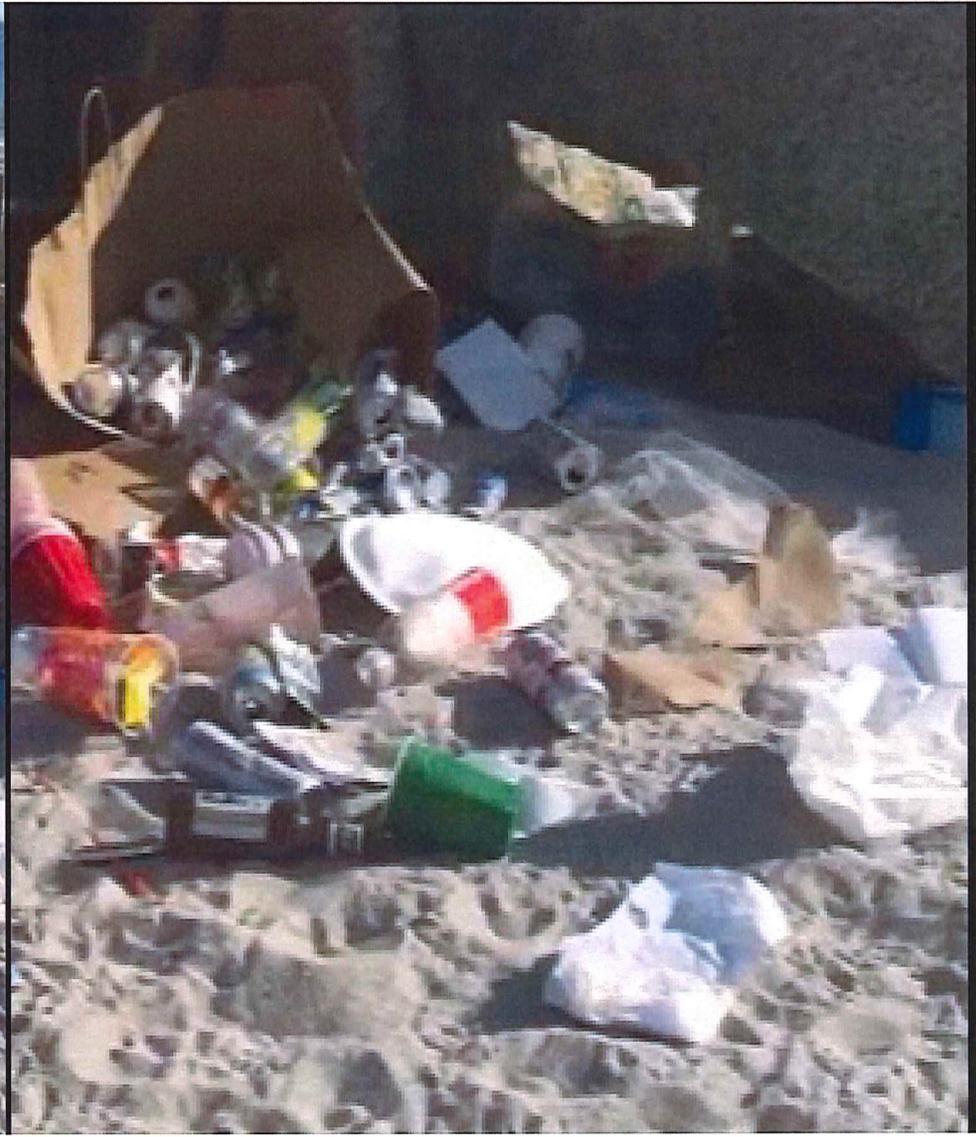
7. Falmouth Litter Reduction Team – Presentation on proposed litter reduction bylaw

Falmouth Litter Reduction Bylaw

Initial Presentation by the Falmouth Litter
Reduction Team of Litter Reduction Bylaw
Concept and Development Process

May 24, 2021

Presenter: Alan Robinson



Our Purpose This Evening

- Highlight several potential elements of a Proposed Falmouth Litter Reduction Bylaw
- Describe anticipated process of proposed bylaw development
- Obtain initial Select Board comments and input
- Begin building support for a Litter Reduction Bylaw Article for consideration and approval by Town Meeting

Objectives of a Litter Reduction Bylaw

- Establish as a necessary complement to town and volunteer litter cleanups, bans on specific elements of the litter stream and public messaging
- Create a community standard for reducing litter in Falmouth
- Establish responsibilities for each element of our community – residents, 2nd home owners, visitors, businesses, institutions and town government

Some Potential Litter Reduction Bylaw Elements

- A clear and encompassing definition of litter
- Prohibitions on throwing or otherwise depositing litter – anywhere, except in public and authorized private receptacles for collection
- Responsibilities to maintain residential, business and institutional properties free of litter
- Requirements for vehicle cargo securement
- Means of and responsibilities for enforcement, if necessary

Anticipated Draft Bylaw Development Process

- Development of a Litter Bylaw 1st proposed in FLRT's 2019 recommendations to the Board
- To be modeled, to a large extent, on Town of Reading, MA Bylaw
- Additional ideas will be drawn from other MA municipalities and beyond
- Consult with and obtain input from DPW, BoH and Town Counsel
- Host one or more public forums to obtain community input
- Finalize draft bylaw and submit as an article for Town Meeting warrant
- Build support for TM article with individuals, civic associations, businesses and Town government

Your Questions, Comments, Suggestions

- Picture –as in the earlier drafts



8. Update on planned uses for 67 and 81 Davisville Road

MEMORANDUM

TO: FALMOUTH SELECT BOARD

FROM: CARLA L. FERONI, HOUSING COORDINATOR

SUBJECT: MASS HOUSING PARTNERSHIP TECHNICAL ASSISTANCE
67 & 81 DAVISVILLE ROAD

DATE: MAY 1, 2012

CC: JULIAN M. SUSO, TOWN MANAGER
PETER JOHNSON-STAU, ASSISTANT TOWN MANAGER

Mass Housing Partnership (MHP) has agreed to provide technical assistance to the Town of Falmouth on the pre-development of 67 and 81 Davisville Road, often referred to as the Emerald House site, for potential affordable housing. MHP can assist the Town by providing a variety of resources related to affordable housing planning and development. They can award small grants, engage consultants, or provide staff time to help the Town assess our housing needs and find ways to leverage local resources (funds and land) to increase housing opportunities and to help us control our own housing development destiny. There will be no cost to the Town for this service.

Housing development is complex, time-consuming, and triggers a host of laws and requirements that add costs and could make a development financially infeasible. In the predevelopment phase, the Town will gather adequate information to assess if housing development on the site is physically and financially feasible. MHP will work with the Town on pre-development due diligence including:

- Preliminary evaluation of the site
- Review of local and state regulations, including zoning, wetlands, storm water, and wastewater
- Preliminary engineering and conceptual site design, typically done by a site (civil) engineer
- Preliminary financial feasibility analysis based upon the development concept, the data collected during the site investigation phase, and available public funding

Once the preliminary site assessment and financial feasibility are complete, MHP will help the Town to draft a Request for Proposals (RFP) and assist with developer selection. MHP and the Town will continue to work together to incorporate best practices for development, construction, and project management. Through this partnership, the Town can navigate the housing development process innovatively in regards to cost.

MHP will begin technical assistance on the Falmouth Davisville affordable housing development this summer.

9. Discussion and vote on Board recommendations for June 28, 2021
Special Town Meeting warrant articles



JUNE 2021 SPECIAL TOWN MEETING SCHEDULE

Select Board Announce Special Town Meeting	Monday, March 22, 2021
Open Warrant.....	Thursday, April 1, 2021
Close Warrant.....	Friday, April 2, 2021
Select Board Set Special Town Meeting Date and Approve Articles.....	Monday, April 5, 2021
Publish Articles Only.....	Friday, April 30, 2021
Select Board Discuss and Review Recommendations.....	Monday, May 24, 2021
Finance Committee Discuss and Review Recommendations	Tuesday, May 25, 2021
Publish Warrant with Recommendations.....	Friday, June 4, 2021
Special Town Meeting.....	Monday, June 28, 2021

June 2021 Special Town Meeting Index

<u>April #</u>	<u>June #</u>	<u>RECOMENDATION</u>
2	1	<u>RECOMMENDATION (Finance Committee):</u> That the Town vote Article 3 as printed.
17	2	<u>RECOMMENDATION (Select Board):</u> That the Town vote Article 17 as printed with the following amendments: MODIFY the beginning of the first sentence in Section C. such that it reads: " <u>Should</u> the Select Board <u>choose to pursue the proposed rule of regulation, it</u> shall submit the proposed rule or regulation to..." MODIFY Section E. such that it reads: "The Select Board shall vote to adopt <u>on the disposition of</u> the proposed rule of regulation..."
18	3	<u>RECOMMENDATION (Planning Board):</u> That the Town vote Article 18 as amended below during the Planning Board's hearings. §240-192 Applicability 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 §240-18, require a total of two (2) or more parking spaces based on the existing development, redevelopment 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 space based only on new development; grading or clearing more than ten percent (10%) of a lot, except for the following: 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 lies 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.

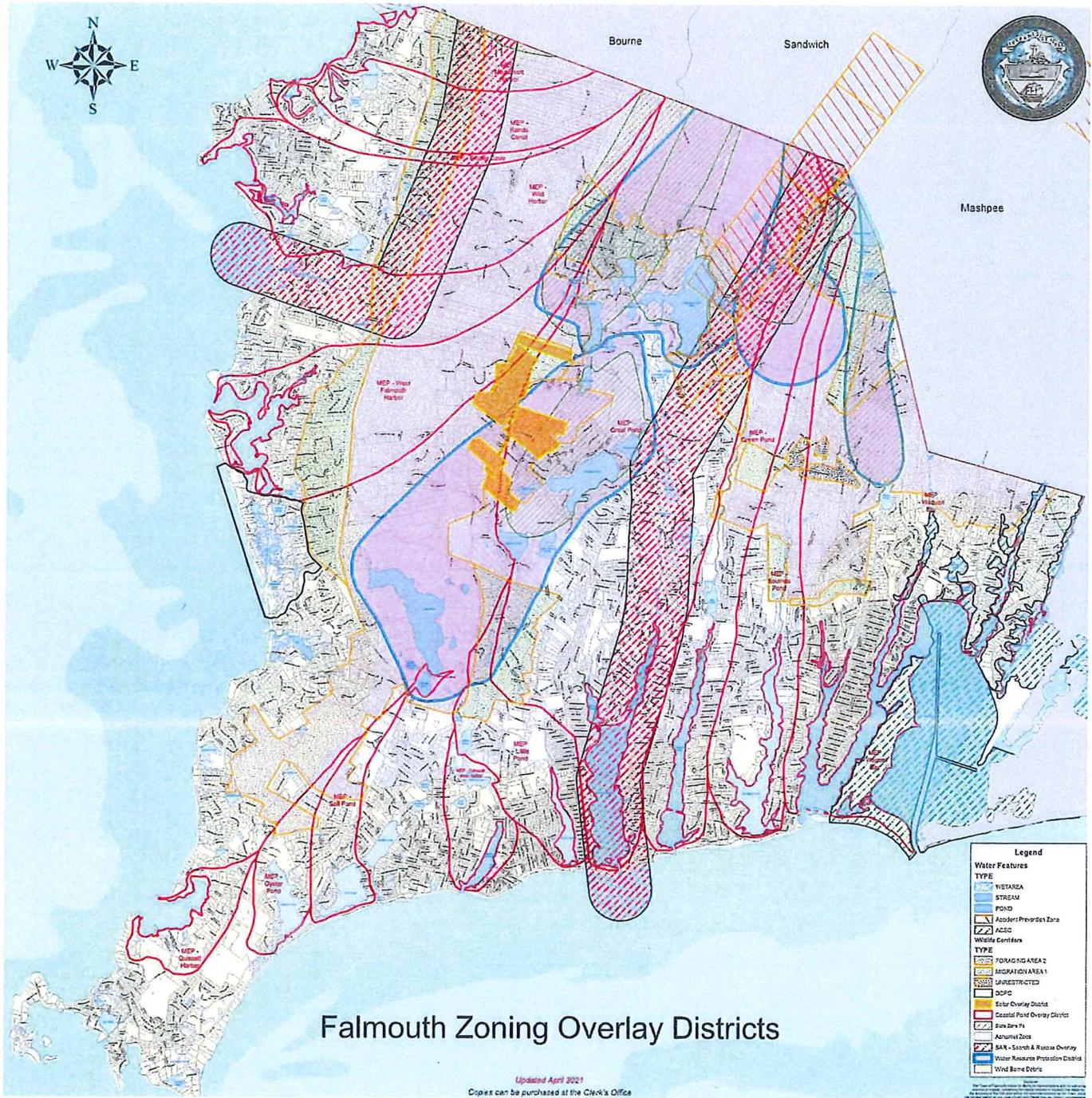
June 2021 Special Town Meeting Index

- 19 4 **RECOMMENDATION (Planning Board):** That the Town vote Article 19 as printed. The revised Zoning Map is included.
- 20 5 **RECOMMENDATION (Planning Board):** That the Town vote Article 20 as printed. The revised Zoning Map is included.
- 21 6 **RECOMMENDATION (Planning Board):** That the Town vote Article 21 as amended by the Petitioner below : Section 240-254B. add subparagraph (4) to read, "The Planning Board may allow a side or rear yard abutting permanently conserved open space to be reduced to no less than 35 feet in a Residence or Agriculture District. Within any no-disturb zone, the Planning Board may allow landscaping and other screening."
Revise Section 240-254D.(1), which reads, "Not more than two acres of forest land 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," by adding, "The Planning Board may allow additional deforestation of up to four more acres or ten percent of the lot, whichever is less, but for any deforestation allowed in excess of two acres, the Planning Board shall require mitigation, such as the permanent conservation of open space and/or reforestation, on or off site, of at least twice the area of such excess."
Revise Section 240-254D.(2) to read, "Except as allowed under Section 240-254D.(1), land clearing in excess of two contiguous acres in connection with any single installation is prohibited.
- 22 7 **RECOMMENDATION (Planning Board):** That the Town vote Article 22 as printed. A Map of the proposed new Large-Scale Ground-Mounted Solar Overlay District is provided in the Warrant Booklet.
- 23 8 **RECOMMENDATION (Select Board):** That the Town vote Article 23 as printed.
- 24 9 **RECOMMENDATION (Finance Committee):** That the Town vote to transfer the amount of \$3,000 from certified cash for the purposes of Article 24. To be expended under the jurisdiction of the Town Manager.
- 25 10 **RECOMMENDATION (Finance Committee):** Recommendation will be made on Town Meeting floor.
- 26 11 **RECOMMENDATION (Finance Committee):** Recommendation will be made on Town Meeting floor.
- 27 12 **RECOMMENDATION (Finance Committee):** Recommendation will be made on Town Meeting floor.
- 28 13 **RECOMMENDATION (Finance Committee):** Recommendation will be made on Town Meeting floor.
- 29 14 **RECOMMENDATION: (Select Board):** That Town Meeting vote Article #29 as printed.
- 30 15 **RECOMMENDATION: (Select Board):** That Town Meeting vote Article #30 as printed.
- 31 16 **RECOMMENDATION: (Select Board):** Indefinite Postponement

June 2021 Special Town Meeting Index

- 32 17 **RECOMMENDATION: (Select Board):** Indefinite Postponement
- 33 18 **RECOMMENDATION: (Finance Committee):** Indefinite Postponement
- 34 19 **RECOMMENDATION (Community Preservation Committee):** That the Town vote to appropriate the sum of \$250,000 from FY 2022 Community Preservation Estimated Revenues to rehabilitate Bell Tower Tennis Courts located at 1 Bell Tower Lane including replacement of two existing tennis courts and one tennis backboard with two newly constructed tennis courts lined for both tennis and pickleball and one new tennis backboard; to determine how the same shall be raised and by whom expended, or do or take any action on the matter; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article. The Finance Committee concurs with the CPC recommendation.
- 35 20 **RECOMMENDATION (Community Preservation Committee):** That the Town vote to appropriate the sum of \$200,000 from FY 2022 Community Preservation Estimated Revenues to purchase a permanent conservation restriction for land in Falmouth being shown on Assessors Maps 12 05 014A 000B and 12 05 014B 000B known as Florence Sylvia Woodlands as printed in Article 35 to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article. The Finance Committee concurs with the CPC recommendation.
- 36 21 **RECOMMENDATION (Community Preservation Committee):** That the Town vote to appropriate or transfer the sum of \$1,833,000 of which \$ 500,000 is from the Undesignated Fund Balance and \$1,333,000 is from FY 2022 Estimated Revenues to the Falmouth Affordable Housing Fund. Funds are to be expended in accordance with the Guidelines for the Falmouth Affordable Housing Fund; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article. The Finance Committee concurs with the CPC recommendation.
- 38 22 **RECOMMENDATION (Community Preservation Committee):** That the Town vote to appropriate the sum of \$400,000 from FY 2022 Community Preservation Fund Estimated Revenues to the Community Preservation Budgeted Reserve; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article. The Finance Committee concurs with the CPC recommendation. The Finance Committee concurs with the CPC recommendation.
- 39 23 **RECOMMENDATION (Community Preservation Committee):** That the Town vote to transfer or appropriate the amount of \$333,639 from FY 2022 Community Preservation Estimated Revenues to the Historic Preservation Reserve; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article. The Finance Committee concurs with the CPC recommendation.
- 40 24 **RECOMMENDATION (Community Preservation Committee):** That the Town vote to appropriate the sum of \$314,045 from FY 2022 Community Preservation Estimated Revenues to rehabilitate Guv Fuller Field; to be expended under the jurisdiction of the Community Preservation Committee for the purposes of this article. The Finance Committee concurs with the CPC recommendation.

2021 Annual April Town Meeting Revised Zoning Overlay Map



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.

**WARRANT FOR SPECIAL TOWN MEETING
MONDAY, JUNE 28, 2021 AT 7:00 p.m.**

For action on articles in the Warrant

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

In the name of the Commonwealth of Massachusetts you are directed to notify and summon the inhabitants of the Town of Falmouth qualified to vote in Town Affairs to meet at Falmouth High School on Monday, June 28, 2021 at 7:00 p.m. for the purpose of acting on the articles contained in the following warrant:

ARTICLE 1: To hear reports of Committees and Town Officers and act thereon.

ARTICLE 2: 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 organizes 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 3: 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 4: 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 5: 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 6: 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 Huguen.

ARTICLE 7: 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 8: 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 9: 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 10: 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 11: 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 12: 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 13: 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 14: 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 15: 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 16: 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 17: 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 18: 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 19: 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 20: 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 21: 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 22: 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 23: 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 24: 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 5th day of April 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

10. Review and Vote to approve minutes of meetings:
Public Session – March 8, 2021 and April 12, 2021

TOWN OF FALMOUTH
SELECT BOARD
Meeting Minutes
Open Session
MONDAY, MARCH 8, 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 March 8, 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.
Staff 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. Brown recognized Town volunteers doing much work with little reward.

4. Announcements

Mr. Patterson noted Community Preservation Committee Public needs assessment and hearing 630 pm 3/11/21 remotely.

Mr. Brown noted Planning Board taking up issue of potential conversation of CC Golf course solar farm. Send comments to the Planning Board and/or tune in tomorrow evening at 7pm.

5. Public Comment-none.

SUMMARY OF ACTIONS

1. Licenses
 - a. Application for a Pledge of Collateral of an All Alcoholic Beverages Package Store License – Gajanan Package Corporation d/b/a Falmouth Wine & Spirits, 322 Palmer Avenue, Falmouth

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

- b. Application for a new Second-Hand Dealer's License – Hope Restored, 75 County Road, North Falmouth

Fingerprint based background check is required.

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

The applicants plan to open by mid-April 2021, all that is received and results in profit will go back into the community.

- c. Authorize Town Manager to enter into an agreement with a qualified, independent consultant for community environmental, health, engineering and similar services related to Mayflower Wind activities and potential presence in the Town of Falmouth, and funded on a reimbursement basis by agreement with Mayflower Wind

According to Mr. Suso, Mayflower Wind (MW) contacted the Town, was given temporary short term approval to do testing at 3 different locations in Town, which is underway. Expect to hear back from MW with proposals to consider some activity in Town. The Town is reviewing and evaluating what is received from MW to assist the Select Board to make any recommendations needed in the future. MW will reimburse the Town the cost of the consultant work. Mr. Suso is working with Town Counsel and discussing a couple different firms that will be brought forward at a future meeting.

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

BUSINESS

1. Discussion/update on COVID-19 issues

Update on State/Governor guidance for proposed special events

Scott McGann, Health Agent, reviewed currently in Phase 2, on 3/11 Early Education and K-12 workers will be eligible. Vaccine supply is limited, Barnstable County getting 1170 doses, 1200 doses of Johnson and Johnson, two clinics this week filled up quickly. Main site will be Cape Cod Community College as hub, then rotating through other locations, including the fairgrounds. Veterans can go through the VA in Brockton. CC Regional Vaccine Consortium, most vulnerable residents that do not have ability to self register or go to Mass Vaccine site, so call the Senior Center to qualify to be put on that list. Those who are homebound are being done by the Community Health Center of Cape Cod, call the Senior Center to schedule. 24% of residents have gotten their first dose, about 9% received their second dose. Four relatively good weeks, in 25-35 range of cases per week.

Guidance from Governor was reviewed.

Event created the last cluster, a housing situation and basic social distancing.

The Town has not been given doses for staff, on the open market. Only ability to pick a discreet population was elderly senior housing, they were able to place an order. If given the ability, the Town would be able to do so. Barnstable Fair Grounds, they've done two clinics of 600 doses each.

Guidance does not give detail, road race falls under the greater than 5,000 people, seems like that would be a 5,000 or more capacity. The three places greater than 5,000 would be road race, fireworks, and fairgrounds.

Guidance is being provided by various state agencies, likely round table with DPH and other agencies.

2. Route 28 project status update – Peter McConarty

About 2015-16 project went forward with water main project, when completed were going to start the roadway improvement project, both Town and State project. Main Street under Falmouth jurisdiction, Davis Straights and Teaticket sections under MA DOT.

Main Street was repaved through the Queens Byway, paved up to Shore St. Since then, the water main contractor continued down Main St., the road is not in good shape at this time. The contractor is finalizing the services and doing final paving to Falmouth Heights Road this spring.

Section 2 under MA DOT has been paved. Stop and Shop to Falmouth Heights Road needs to be milled and paved.

Section 3 got the most interest, Citizen Committee put together concept plans to bring to MA DOT. Transportation Consultant was changed to GPI, more familiar with the Town and MA DOT regulations and process. MA DOT reviewed the concept plans, they did not approve or like the shoulders, wanted wider areas. Received the comments verbally. At this time, it would be appropriate to get the original citizens group back together and discuss section 3; it will change and will not be the concept that they put together. MA DOT Highway Director said that Section 3 received most of the attention, they are crash clusters, and they would like to switch to Section 2 due to crash clusters that have occurred. JTC funding through Cape Cod Commission, they have a five year program, currently in 2026, the Town would most likely be on year 7 or 8 for Section 2. Section 3 would likely be more than ten years out.

Mr. McConarty said at this time, other than loaming and seeding is complete for Sections 2 and 3. After that is the Town portion Shore St. to Falmouth Heights Rd.

If the Town wanted to do restriping on any of the sections and do some improvements, the Town could ask about changing the striping, but will likely be more rigid in that area, they are getting into the separated paths. Mr. McConarty will talk with the consultant about that. The citizen group put a lot of work and time into evaluating Section 3 plan, Mr. McConarty would like to have a virtual meeting in the next couple weeks with the citizen's group to share the plans and what the Town did.

Mr. McConarty noted about a month ago he spoke to the Board about Route 151, they are working on that and looking at the funding to work on that, replace the signing, look at lighting, cutting back, and the design of the roadway.

3. Improving Access to Downtown – Report from Transportation Management Committee

Allison Leschen and Ed Dewitt, Chair.

Ms. Leschen shared her screen, Improving Access to Downtown presentation on addressing traffic and parking in the summer. In midst of a survey, still available to complete and provided the website to go to, about 1100 responses so far. A lot of congestion downtown, main issues: 1. Majority access downtown in private vehicles. 2. Plenty of pavement already devoted to vehicles but inadequately managed with inconsistent enforcement. 3. Lack of information/signage about parking. Primary goals of access strategy are to encourage patronage of downtown businesses, enable residents to have ease of access, overnight parking for people who live there, shift length employee parking, accessibility. Encourage alternatives to private vehicles.

There is management, but very little. Oversight by FPD has not been consistent enough that people worry about it.

Recommendations they hope to get done by this summer:

Improve connectivity:

1. Direct DPW to design KLB connector crossing.
2. Direct DPW to include separated bike lanes/multi use path from Katherine Lee Bates connector to Main St.
3. Direct DPW to include separated d bike lanes/multi use path in Phase 1, 2, 3 of Rte. 28/Main St. redesign.
4. Work with Bike/Ped committee to increase bike parking downtown.
5. Begin discussions with CCRTA about expanding times of service to accommodate employees and dinner patrons.

Improve Management:

1. Designate nearby parking lots
2. Designate parking zones to better manage and improve parking turnover in prime downtown spaces.

One hour parking on streets, downtown parking lots 3 hours. Employee and downtown resident parking permits.

Relies a lot on enforcement, encourage having the Chief support this, hire additional summer personnel, and what technology can be investigated for traffic enforcement. Develop incentives for Town employees to use alternative transport or use nearby lots. Engage merchants to improve the delivery schedules; can those be consolidated in the early hours and get them off Main St., work with businesses, seek funding for electric vehicle charging stations throughout downtown. Develop signage for various applications and audiences. Direct Town IT Department to develop a website that includes parking information. Explore and adjust wayfinding apps used by truckers to make sure they are not being directed via Main Street to get somewhere else.

Mr. Brown noted Falmouth Police and Fire Departments has a lot of information on parking.

Public Comment: none.

Mr. Brown would like to consider the Katherine Lee Bates crosswalk, that would not have negative impact on others if move forward right away. Mr. Suso noted MA DOT controls that, weighs in, and is a long time frame.

Chair English Braga asked Mr. Suso to facilitate getting this report out to the DPW, public safety chiefs, Chamber, Schools, and give those groups a period of time for feedback to the Select Board. Ms. Taylor noted the report instructs the Select Board to reach out to others and is comprehensive but need weigh in from others.

Mr. Patterson would like to consider signage, Mr. Suso noted some suggested initiatives are already under way, continuing to work on those to bring them forward.

Shiverick's path, the DPW will construct sidewalk to pond, it will loop around the pond and return to Katherine Lee Bates. Mr. Brown wants a path on the other side of the pond as well, are there plans for that or might the school approve that.

Chair English Braga noted a lot of the pieces will impact and need input from other entities. Last summer tried to put in solutions for Covid-19, mapped how the streets would be closed off, then there was tremendous pushback from business owners. Suggested Mr. Suso give those entities a two week window for feedback. Also send the report to the Planning and Zoning Boards.

4. Charter Review Committee Interim Final Report

Peter Clark, Chair Charter Review Committee made a PowerPoint presentation. The report has five additional statements with other suggestions of the improvement of effectiveness of Town government. Looking at challenges of new complex issues in Town. Reviewed the background and work progress. Reviewed the schedule.

Work process was to collect ideas, organize, and decide which needed certain kinds of action. Three levels of action: charter changes amending language, policies, and practices at a more detailed level than amendments, requiring no action. Products of work were reviewed.

Mr. Jones if final report done in 2022, when does the seven years start again? Mr. Clark said it is up to the Select Board to say.

Mr. Clark noted the report has not been made public, Chair English Braga noted that the report will be made public.

5. Discussion with Beach Committee on proposal to expand membership, and status report on preparations for upcoming beach season

Paul Miskovski and Maggie Clayton

Ms. Clayton reported the Beach Department is in full swing, hiring in process, projects for preseason work have been identified with the DPW and Conservation for fencing updates. Megansett fence permits are scheduled, the wooden fence at the bottom of the chute at the Old Silver public top lot, and Bristol fence that was impacted by vehicles, and a site visit to Menhaunt West where erosion has further uncovered public safety hazards. Online sticker sales are in process, as of today 2,240 resident taxpayer beach parking permits. Signage will be received tomorrow to notify people what to do if they see a seal on the beach. Plan for protecting the old bridge at Menhaunt, there will be wrapped snow fencing at the end of the pier that was in existence before, she will work with the DPW on the plan to make sure it is cleared safely when the use ticks up with the warmer weather. The plan is being developed, dredge soils will be received, and she is talking to Conservation about where the sand will go, they are talking about burying the problem and addressing it in the future.

Membership issue: Atty Frank Duffy, Town Counsel, noted because of the change to the charter, makes sense to make the change after it has been voted on. The Beach Committee is under appointing powers of the Select Board, so maybe the Select Board can change.

Mr. Jones asked if they would consider two alternate members, then after Charter review, have them become full members.

Mr. Miskovski noted that when someone is on a committee but with no standing, how committed are they to a given group. There are many outside groups that want to work with the beaches, more outside groups than committee members; are they part time.

Mr. Brown suggested creating the 2 positions, contingent on voter approval in May, and get them ready to go should it be voted.

Chair English Braga noted weigh in from Atty Duffy was that now with changes to the charter, it was a vote that still needed to happen, but that the Select Board appoints individuals to this committee. Charter review made recommendations, passed at Town Meeting, cannot change until it is changed by Town vote.

Mr. Jones motion to appoint two alternate positions for the Beach Committee. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones noted idea to post this week.

6. Veterans Council Committee
 - Discuss and vote update to charge

JS noted the board requested substituting the position filled in American Legion in Sandwich and substitute that position with Joe Q Coffee Break.

Mr. Patterson motion that the Select Board amend its policy and add Joe Q. Veteran Coffee Break, Inc. as a representative organization as substitute for the position filled in the

American Legion in Sandwich. Second Mr. Brown Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

- Vote to affirm appointment of Joe Q Veteran Coffee Break, Inc. representative – Carissa April Ms. April was stationed in Falmouth while serving in the Coast Guard, she retired to Falmouth and is raising her family here. She is working with Joe Q Veteran Coffee Break, Inc.

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

7. Golf Advisory Committee

- Discuss and vote update to charge
Mr. Jones motion to replace Finance Dommittee member with at large member to adhere to the rules that Finance Committee members are not on more than one committee. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

- Interview, vote and appoint committee member – Brian Arthur
Term ending 6/30/23.

Mr. Arthur looking for opportunities to give back and get involved.

Mr. Brown motion appointment to a term ending 6/30/23. Second Mr. Jones. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

8. Vote April 2021 Town Meeting Warrant Article Recommendations

Mr. Jones motion to recommend Article 17 as edited and printed. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Mr. Jones motion to recommend Article 23 as printed. Second Ms. Taylor. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Article 29

Mr. Johnson-Staub explained that this is a petition article, if approved as written it will authorize the Select Board to authorize safety zones. The explanation will be written in the handbook, not necessary to amend the article itself. Mr. Jones feels that recommending it without the Traffic Advisory Committee in it because the statute does not allow them to do it. The Select Board is allowed to amend the article. So, the Select Board would recommend and amendment condition. The recommendation can be as amend; the legal effect of this article is acceptance of state statute. It is not a bylaw that is being adopted, what will appear is that the Town adopted MGL Section 18b of Chapter 90.

Mr. Patterson motion approval of Article 29. Second Ms. Taylor. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Article 30

Chair English Braga noted that given where we live, was not as compelled with the Italian American group that explained it. Mr. Jones would hope the Select Board would support this article and a time when there can be a healthy debate among Town Meeting members.

Mr. Patterson is in support of it, this is the Wampanoag land, we do not have an obvious way to show that, they were helpful to the European settlers and would like to recognize their contributions and continued contributions.

Mr. Patterson motion to recommend Article 30 as petitioned. Second Ms. Taylor. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Article 31

Chair English Braga noted there are other legal, simple, universally acceptable mechanisms for those activities described during the presentation.

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

Article 32

Mr. Jones can see doing this at Town Meeting, but every public meeting is too much. Chair English Braga noted the language seemed unclear.

Mr. Jones motion indefinite postponement, but in the explanation, they note that they could be supportive if this was limited to Town Meeting. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Article 33

Mr. Jones suggested this be left to the Finance Committee and if any select persons want to speak, they can. According to Mr. Brown, childcare is so that people are better staying home and applying for welfare. This article involves an allocation of funds.

Support creation of the task force, leave the allocation of money to the Finance Committee.

Mr. Jones motion the money recommendation noted will be the Finance Committee's printed recommendation and, in the explanation, the Select Board can reference support to the creation of the task force. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

9. Minutes of Meetings:
Public Session

- December 7, 2020

Mr. Patterson motion to approve and release for public access. Mr. Jones second. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

10. Individual Select Board Members' Reports

Mr. Jones announced he will not run for reelection this year, after serving his third term.

11. Town Manager's Report

Mr. Suso attended the ZBA meeting with Building Commissioner Rod Palmer and Finance Committee meeting. Next Select Board meeting will be the joint session with school committee on 3/15/21, next Select Board business meeting will be 3/22/21.

Mr. Jones motion to adjourn at 10:11pm. Second Mr. Patterson. Roll Call Vote: Ms. Taylor, aye; Mr. Jones, aye; Mr. Patterson, aye; Mr. Brown, aye; Chair English Braga, aye.

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

TOWN OF FALMOUTH
SELECT BOARD
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540
Open Session
Meeting Minutes
MONDAY, APRIL 12, 2021

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 April 12, 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 Open Session to order at 5pm.
2. Discuss/vote motions and reports to Town Meeting as needed
 - Article 23: Consider changing Select Board motion from "approve as printed" to "indefinite postponement"
 - Mr. Suso explained this has not completely met the timeline necessary to get to Town Meeting, needs Select Board and Planning Board's approvals. Voted to recommend approval of this, according to the Moderate, it would be best to change to indefinite postponement and automatically allowed to be considered 6/28/21.

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

Explanation for the article around funding for parking lot, Mr. Suso will clarify the origin of that request, prior Town Meeting votes in 2019 about that issue and this is funding connected to it. It referenced an article from last April that was indefinite postponement. There is a new owner, so there are now discussions and will be clarified by Mr. Suso and this is not fatal flaw to the article and can go forward.

According to Mr. Suso, Articles 1 and 3-16, 37 are anticipated to be acted on by Town Meeting because of the financial ramifications. Balance of articles carried forward to 6/28/21 unless passed under a blanket.

Article 14 does not need corrections because the only error is in the explanation and not the article itself, moderator said that Mr. Suso could clarify that at Town Meeting. Chair English Braga wants Town Meeting to hear the clarification when they vote it.

Mr. Johnson-Staub said a member of Select Board can hold the article on the blanket vote, make sure it does not get approved. Mr. Patterson will hold Article 14 so they can give the explanation. Those held automatically onto the June warrant, moderator has reviewed the consent vote language and will introduce it. Chair English Braga will remind the moderator about article 14.

Mr. Jones' preferred action is to have it pass in the blanket. Choices are let it go or do an explanation prior to the blanket. The moderator noted the scribe error in explanation, does not change what the article means. If still a question, it can be held and discussed in June.

Chair English Braga will talk with the moderator on his preference.

Atty Duffy said Mr. Jones' idea is right, as moderator goes through articles, he will say 14 scribe error, if no one holds it, it will go on the blanket.

3. Discuss, consider, and vote date for November 2021 Town Meeting
Choices 11/8 or 11/15. Sb tentatively scheduled 8, 22 SB meetings. Town Meeting target 11/15.

Ms. Taylor motion for November 2021 Town meeting to be held on 11/15/21. Second Mr. Patterson. Roll Call Vote: Ms, Taylor, aye; Mr. Patterson, aye; Mr. Brown, aye; Mr. Jones, aye; Chair English Braga, aye.

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

Respectfully Submitted,

Jennifer Chaves
Recording Secretary

12. Town Manager's Report

REPORT

TO: Falmouth Select Board

FROM: Julian M. Suso 

DATE: May 21, 2021

- The Board will convene in your regular virtual business session at 7PM on Monday, May 24 and proceed with “reorganization” as per standard operating procedure following the municipal election last week.
- Board members will consider endorsing a Statement on Juneteenth proposed by the School Department, which is listed under Announcements.
- You will be considering a number of housekeeping items on Monday, including authorizing our proceeding with the proposed RFP process for the lease of the former Senior Center property at 300 Dillingham Avenue. The Board will also consider acceptance of the anticipated land donation from the 300 Committee of the small, triangular parcel which has been contemplated to be part of the proposed Shiverick’s Pond Trail project.
- Scott McGann will join us as in the past to discuss/update on COVID-019 issues. In particular, Scott will join us in a discussion and potential vote on revisiting the Board’s existing voted policy regarding the wearing of face coverings in the Woods Hole business area and in the Main Street business area. (This is in light of the Governor’s relaxation of this requirement and the Health Board’s recommendations as well).
- The Board will be considering a number of “revised” Special Event applications for this summer and autumn which have been updated based upon the just-released, relaxed directives of Governor Baker.
- A public hearing is scheduled for 7:30PM, as continued by the Board for a requested Alteration of Licensed Premises for the Chapoquoit Grill. This also included a request by the Board for the provision of a number of items of further documentation in support of this request. To date, these have not been received. The attorney representing Chapoquoit Grill is aware of this and understands that, given that these items are yet to be forthcoming, this Hearing will need to be continued by the Board into the month of June.
- Board members will discuss authorizing a letter to the Governor and Senate President regarding the implications for the existing, approved temporary outdoor restaurant seating given the coming expiration of the Governor’s emergency order allowing the temporary local authority for this to occur,

including temporary zoning waivers. You have an email in your Board packet from Associate Town Counsel Irie Mullin with further background information on this matter.

- You will be interviewing four candidates that have responded to date for a potential position on the Sandwich Road Fire Station Building Committee. Given that we are still “short” on candidates and continue to advertise, you will not be making appointments on Monday evening, but taking this under advisement for action in the coming month as more applicants respond.
- The Board will be voting recommendations (once again), this for the upcoming June 28 Special Town Meeting. Your earlier recommendations were for the April TM Articles, so they must be revisited. Your Board packet includes a “crosswalk” of the Article numbers and your prior recommendations for your reference.
- Town Hall and Town administrative offices will be closed on Monday, May 31 for the Memorial Day Holiday.
- The Select Board’s next regular business meeting will be Monday, June 7.