<u>TOWN OF FALMOUTH</u>
<u>SELECT BOARD</u>
AGENDA
MONDAY, JULY 28, 2025 – 6:30 P.M.
SELECT BOARD MEETING ROOM
TOWN HALL
59 TOWN HALL SQUARE, FALMOUTH, MA 02540

The Select Board may discuss and vote appropriate action on any item listed on this Agenda unless a different disposition is noted. At the discretion of the Chair, agenda items may be taken out of order.

Present: Robert P. Mascali, Chair; Heather M. H. Goldstone, Vice Chair; Douglas C. Brown; Jack Richardson; Colin W. Reed
Others present: Mike Renshaw, Town Manager; Maura O'Keefe, Town Counsel; Peter Johnson-Staub, Assistant Town Manger

1. OPEN SESSION

<u>Call to Order:</u> By Chair Robert P. Mascali at 6:30 p.m.

The Board recognized and held a moment of silence for Matt Patrick.

<u>Pledge of Allegiance</u>: Led by Select Board

<u>Proclamation:</u>
1) Eagle Scout - Deneb Laundre

Ms. Goldstone read the Proclamation for Eagle Scout – Deneb Laundre into the record.

2) Eagle Scout - William Thrasher

Ms. Goldstone read the Proclamation for Eagle Scout – William Thrasher into the record.

<u>Recognition:</u> Mr. Brown recognized the Town's firefighters and emergency personnel.

<u>Announcements:</u> Mr. Mascali announced that there will be a meeting on Thursday night at the Lawrence School regarding the betterment project.

<u>Public Comment:</u>

Kathleen Crowley Braga, 63 Deepwood Drive, stated that she has been openly opposed to 375 Sandwich Road for a 40B project for many reasons. A year and a half ago, an off duty firefighter spoke about concerns of this property draining Long Pond if it ever caught on fire. She recently witnessed a house on fire and four people were rescued. There were multiple fire trucks at the scene. She questioned how a response would be possible for a development at 375 Sandwich Road.

Loretta Garrison, Southview Way, discussed the Senior Center requirement for visitors to accept a broad liability waiver. She has had a series of conversations with the Senior Center Director regarding the waiver. She has a number of continuing concerns and questions:

1. The form appears to waive liability against the Town, the Center, its employees and contractors for any injury or property damage, even due to negligence.
2. The indemnification provision suggests that if she uses the equipment the Center has not properly maintained and is injured due to the Center's negligence, she is responsible to pay for any damage to the equipment.
3. She has grave concerns about how the Senior Center will obtain agreement to the waiver given the flawed way it implemented the waiver in January, as it appears the intent is to use the waiver more broadly.
4. She asked if there is a further intent to use the waiver for Town Hall or other Town facilities.
5. She asked if those who visit the Senior Center cafe for a cup of coffee should also be required to sign this waiver.
6. She asked if people who have evening meetings in the Town building are exempt from signing the waiver.

She noted that there has been no public comment on the development of this waiver form. She urged the Select Board to put the waiver issue on its agenda and invite public comment before the Town Manager announces implementation.

Steve Raffety, Precinct 2, noted that the Town has asked Eversource to take care of a number of items around Town which have not been responded to, including poles left at Main Street/Scranton Ave.

2. CONSENT AGENDA

a. Licenses

1) Consider a vote to approve the application by John Paul Campbell for a series of three (3) Special One-Day Wine & Malt Beverages Licenses for the final 15 dates for the 57th season of performances by the College Light Opera Company at Highfield Theater, 58 Highfield Drive - July 29 through August 16, 2025.

2) Consider a vote to approve the application submitted by Shipwrecked for a Special One-Day Wine and Malt liquor license - Shipwrecked/Asics Falmouth Road Race After Party - parking lot of Shipwrecked and The Heights Hotel, 263 Grand Ave. - Sunday, 8/17/25.

3) Consider a vote to approve the application submitted by Bands for Badges, Inc. for a Special One-Day All-Alcohol liquor license - Bands for Badges - Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy. - Saturday, 8/30/25.

4) Consider a vote to approve the application submitted by On The Water, LLC for a Special One-Day Wine and Malt liquor license - Striper Fest - Marina Park/Bandshell, 180 Scranton Avenue - Saturday, 9/27/25. Rain date Sunday, 9/28/25.

b. Administrative Orders

1) Consider a vote to approve the petition by NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to install one (1) new JO pole to be labeled #47/8 on Town property on Depot Avenue. This pole location is necessary to provide service to 0 Depot Avenue.

2) Consider a vote to approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install approximately 52' (feet) of 1-3" conduit under the town road between 78 and 0 Pebble Lane. This work is necessary to improve system reliability.

3) Consider a vote to approve the petition by NSTAR Electric Company d/b/a Eversource Energy and Verizon New England, Inc. for permission to install 1 new JO pole to be labeled 136/79-25 approximately 30' (feet) west of existing pole 136/79 and to install 1 new JO pole to be labeled 136/79-5 approximately 38.2' (feet) east of existing pole 136/80 in the Right-Of-Way at 488 and 0 Thomas B. Landers Road. These new poles are necessary to provide system reliability.

4) Consider a vote to approve a request from the Commission on Substance Use to expand its committee membership from five to seven members

5) Consider the approval of a Regulatory Agreement for the apartment project at 17 Walker Street

Motion by Mr. Reed: To approve the Consent Agenda. Second: Mr. Richardson.
Vote: Yes – 5 No – 0

3. COMMITTEE INTERVIEWS

a. Interview and consider a vote to reappoint a committee member to a regulatory board:
- Historical Commission - Tamsen George

Motion by Mr. Mascali: To reappoint Tamsen George to the Historical Commission with a term expiring June 30, 2028. Second: Mr. Brown.
Vote: Yes – 5 No – 0

b. Interview and consider a vote to appoint a committee member:
- Commission on Substance Use - Catharina Armstrong

Motion by Ms. Goldstone: To appoint Catharina Armstrong to the Commission on Substance Use with a term expiring June 30, 2028. Second: Mr. Richardson.
Vote: Yes – 5 No – 0

c. Committee reappointments (uncontested seats)

Mr. Renshaw reviewed the proposed uncontested seat reappointments for non-regulatory boards.

Motion by Mr. Richarson: To approve the uncontested seat reappointments, as presented. Second: Mr. Brown.
Vote: Yes – 5 No – 0

4. BUSINESS

a. Receive Town of Falmouth June 30, 2024 Annual Comprehensive Financial Report (Audit) and Letter to Select Board

Laura Sitrin, Finance Director, reviewed the Audit with the Board.

Motion by Mr. Richarson: To receive the ACFR and the Governor's letter for the year ending June 30, 2024, as presented. Second: Ms. Goldstone.
Vote: Yes – 5 No – 0

b. Discuss and consider a vote to approve the Fiscal Policy with Proposed Amendments

Mr. Renshaw explained that the Fiscal Policy was last updated in April 2024.

Ms. Sitrin reviewed the draft Fiscal Policy with the proposed amendments.

After questions from the Board, there was agreement to table this item for further discussion at a future meeting.

c. Discuss and consider a vote to authorize the Town Manager to issue a Request for Proposals to dispose of or otherwise convey all or a portion of the following Town-owned parcels of land: 1) 0 West Falmouth Hwy (Assessors Parcel IDs 26 04 057A 001 and 26 04 062A 000), 2) 0 Locustfield Road (Assessors Parcel IDs 23 02 010 004 and 23 02 010 005), 3) 21 Pheasant Lane, and 4) 20 Brigantine Lane

Kim Fish, Housing Coordinator, explained that on June 30, 2025, Staff presented the draft RFPs to the Board for discussion. On July 23, 2025, staff held a public meeting to gather input from the public. Staff is now before the Board to report on the public input gathered and to present revised RFPs for consideration. She reviewed the common themes heard from the public comment period. In terms of revisions to the RFPs, all the RFPs now specify that the Town will transfer the land at the lowest price allowed by law. For 0 Locustfield Road, a version has been created that allows for rental and home ownership units together. There were no specific changes made to the 20 West Falmouth Highway RFP. The 20 Brigantine Drive RFP was separated from 21 Pheasant Lane due to the expected permitting and area median income (AMI) range change. Also, the RFP for 0 West Falmouth Highway now includes single family units, as duplex and triplex units may not fit in that area. For 20 Brigantine Drive, it was determined that this could be built on by pulling a building permit instead of using Chapter 40B, allowing for a higher AMI than what Chapter 40B would require. This would allow 140 AMI to align with the Falmouth Affordable Housing Fund Policy.

Ms. Fish explained that there will be a due date for the RFP bids to be submitted by. All proposals submitted by the deadline will be opened and reviewed by an evaluation group, following rules as outlined in Mass General Chapter 30B. The recommendation is that the evaluation group consist of a Select Board member, Town Manager, Assistant Town Manager, Community Development Director, Housing Coordinator, and a member of the Affordable Housing Committee. The group will review and evaluate all proposals that have been received by the submission deadline based on criteria outlined in the comparative evaluation criteria. The Town reserves the right to select the proposal that best meets the needs of the community which may not be the proposal that achieves the highest score. Also, the Town reserves the right to not make any award if it determines in its sole discretion that it is in the best interest of the Town.

Mr. Brown asked about the proposal for West Falmouth Highway. Ms. Fish stated that the RFP allows for up to six units on this site.

Regarding 0 Locustfield Road, Jed Cornock, Community Development Director explained that the rental RFP caps the number of units at 40. The rental and home ownership RFP goes up to 46 units. The rental component fits nicely with 40 units on that site and an additional six units could be accommodated. In terms of the ownership structure, the RFP seeks some creativity through a variety of structures.

Ms. Goldstone asked about including a preference or requirement for construction practices that do not involve clearcutting. Mr. Cornock stated that a project on this site would likely go through the Local Initiative Program which aims to find that type of development. Additional language could be added to the RFP.

Noreen Byrne, 54 Harriette Road, stated that there is already 40B along Locustfield Road. She asked how there will be drinking water for years to come in the Town. She expressed concern with removal of trees for the site.

Lisa Brown, Shore Street, asked about this project and the fact that the Town has achieved the Safe Harbor status. Mr. Cornock explained that this project would have to seek a comprehensive permit because it must exceed the zoning requirements within the area for density. It would be up to the Zoning Board of Appeals to determine whether or not additional waivers would be granted for the project, if requested.

Ms. Brown noted a concern regarding the aesthetic and character of the Town and the developments which have been butchering this. If the land is obtained for a minimal amount, she asked if more money could then be put into the aesthetic and green space of the development.

Mr. Richardson asked why the zero rung is 30% AMI for the development. Mr. Cornock stated that the AMI ranges are within the Board’s control. All AMI ranges are trying to be covered under this development. Ms. Fish stated that the lower run may change based on who bids on the project.

Mr. Brown asked how many permits for affordable housing are currently in the pipeline. Ms. Fish stated that she did not have the number with her.

Mr. Richardson asked about walkability and transportation considerations for the site. Ms. Fish stated that DART can be called when needed. A multiuse path is also being considered across Brick Kiln Road.

Motion by Ms. Goldstone: To authorize the Town Manager to issue a Request for Proposal to dispose of or otherwise convey all of or a portion of 0 Locustfield Road (Assessors Parcel IDs 23 02 010 004 and 23 02 010 005) with a mixed ownership model and language inserted to note a preference for a village style development and construction without clearcutting. Second: Mr. Brown.
Vote: Yes – 5 No – 0

There was no discussion or public comment regarding the 20 Brigantine Drive parcel.

Motion by Ms. Goldstone: To authorize the Town Manager to issue a Request for Proposal to dispose of or otherwise convey all of or a portion of 20 Brigantine Drive, as proposed. Second: Mr. Mascali.
Vote: Yes – 5 No – 0

There was no discussion or public comment regarding the 21 Pheasant Lane parcel.

Motion by Ms. Goldstone: To authorize the Town Manager to issue a Request for Proposal to dispose of or otherwise convey all of or a portion of 21 Pheasant Lane. Second: Mr. Brown.
Vote: Yes – 5 No – 0

Regarding the 0 West Falmouth Highway parcel, Allen Gellerman, 403 West Falmouth Highway, expressed concern regarding the safety of the road along this stretch. He also expressed concern with sacrificing the aesthetics of the Town for the affordability of the project.

Maurie Harlow-Hawkes, West Falmouth, expressed concern regarding the estuaries and ponds which are declining due to effluent and fertilizer runoff. Each build in Town makes an impact. Cape Cod is not and has never been affordable. She asked if the units will all be for Falmouth residents. Mr. Cornock stated that each RFP requires a local preference. State law only allows for 70% of the units to be for Falmouth residents. This will be a total of 36 units. Ms. Harlow-Hawkes asked why these projects are moving forward for people who do not currently live in Falmouth and cannot afford to live in Falmouth. These projects will destroy this beautiful, historic Town.

Joe Netto, Precinct 9, stated that this process started with Town Meeting. This is the same thing that was presented to Town Meeting in 2024. There are many good parts of this plan, such as the affordable housing portion, which are beneficial. The Town, through the Board, is in control of these developments.

Eric Hryniewicz, West Falmouth Hwy, asked the Board to reconsider and delay this RFP. There has been a false dichotomy made between affordable housing and conservation. A more environmentally sustainable approach is needed. The financial resources should be invested to obtain affordable housing and not by using land conserved by past generations. This is a poor site due to the dangerous egress identified and lack of walkable services. Duplexes and triplexes should be considered if this parcel moves forward.

Ms. Brown, Shore Street, suggested pulling back this one RFP to reconsider the traffic letter submitted to the Board. Mr. Mascali stated that all of the concerns will be taken into account moving forward by the appropriate bodies. This is not a permitting Board.

Mr. Richardson agreed with some of the concerns expressed. Land in Town continues to be lost to the rich that are not invested in the community. The Board's policy could be adapted in the future. However, there is a mandate of the Board through Town Meeting.

Motion by Ms. Goldstone: To authorize the Town Manager to issue a Request for Proposal to dispose of or otherwise convey all of or a portion of 0 West Falmouth Hwy (Assessors Parcel IDs 26 04 057A 001 and 26 04 062A 000). Second: Mr. Richardson.
Vote: Yes – 5 No – 0

d. Review and discuss the Town's Entertainment License Regulation

Mr. Renshaw explained that approximately a year ago the Select Board adopted revisions to the Entertainment Regulations. He asked that the Board discuss if there were specific sections of the regulations that they would like to see changed. Over the past year, there has been one resident complaint for Bad Marthas, and he continues to meet quarterly to ensure they are working to address those neighbor concerns.

Mr. Brown stated that there was initially concern expressed from license holders in Town. If a business is not completely within the license parameters but has had no issues, this could be a concern. He requested a preexisting, nonconforming clause. This could help to protect existing businesses against new neighbor complaints. Town events also need to be considered. Mr. Renshaw noted that there is language in Section 7 that gives the Board this control.

Town Counsel O'Keefe stated that she has concerns regarding the proposal. She is unclear what this is trying to solve for as there have not been any problems with these regulations. The regulations were put in place because there were problems when there were no regulations. It was highly unusual that the Town did not have any entertainment regulations in place, as they are essential if something goes awry. The regulation is a tool in the Board's toolbox to be able to control a situation when there is an issue of public safety, overcrowding, or people getting out of control. Exemptions to the regulations would give some people a get out of jail free card but the regulations need to apply to everyone equally. She expressed concerns about giving protections to certain businesses as a reward. A business could get a new manager or have a rough night but without these regulations, there is nothing the Board could do about it. The language in the regulations allows for a lot of discretion and allows the Board to craft parameters to fit specific license holders.

Ms. Goldstone stated that she would be uncomfortable exempting some businesses based on when their permit was granted. All types of events should be covered under the regulations to make sure that everyone is being treated fairly. There are few cases in which outdoor entertainment will not leave the property at all. This is an impossible standard.

Mr. Reed suggested an overlay or entertainment district. A fairer solution should be sought.

Mr. Mascali stated that he does not believe amendments should be made to the regulations if there are not currently issues with them.

Town Counsel O'Keefe stated that she would take all of the comments into consideration and come back for further discussion.

e. Discuss and consider a vote on a Betterment Policy for the Great Pond Phase 1 Sewer Project

Ms. Goldstone stated that she believed the Board was not going to vote a final policy until after the property owner's meeting.

Mr. Renshaw explained that it would be helpful to have the Board's policy decision prior to the property owner's meeting. This would put Staff in a better position to answer questions during that July 31st meeting.

Amy Lowell, Wastewater Superintendent, stated that it would be helpful if a decision were made prior to the meeting. She made a presentation on the proposed Betterment Policy for the Great Pond Phase I Sewer Project.

Cynthia Hines, Precinct 3 and 54 East Harbor Drive, stated that she believed there would be time for public input at the property owner's meeting.

Motion by Mr. Richardson: To adopt Option 1 and the Great Pond Phase I Betterment Project, as recommended by the Wastewater Superintendent. Second: Ms. Goldstone. Vote: Yes – 5 No – 0

f. Review and discuss 2025 mid-season Beach Division operations

A quorum of the Beach Committee was present and gave an update on the 2025 mid-season Beach Division operations. There was discussion regarding a request for reinvestment of revenue.

Mr. Renshaw noted that there have been no qualified applicants for the Beach Coordinator position yet and it will be readvertised for. There is room for improvement in hiring additional staff earlier in the season.

Mr. Reed asked where additional funds could be placed. The Beach Committee stated that drone studies show that the Town's dunes and beach lines are retreating and these need to be nourished and reconstructed. There are fences missing because there are no funds to replace them. Mobile beach houses could be used to replace the existing deteriorated structures. It is important to have the appropriate employees available for the shoulder season.

Mr. Richardson asked if a mobile bathhouse plan exists. The Beach Committee stated that this is available. It is important to remove any permanent structures from the beaches.

Mr. Brown asked about the Palmer Ave. pump house building as a home for the Beach Committee. Mr. Renshaw stated that this was a line item within an Article that was not recommended or moved forward by the Finance Committee. This will be revisited in the future.

The Beach Committee requested that Town Counsel consider putting something in place for the Town to react if an employee is mistreated. This continues to be an issue.

g. Discuss and consider a vote to approve the application by GMK Auto Sales, Inc. for a Used Car Dealer License - Class II to be located at 118 East Falmouth Highway

Mr. Renshaw explained that the applicant is seeking a permit for 118 East Falmouth Highway for 16 vehicles.

Attorney Chris Lebherz, representing the applicant, explained that the existing license, which is no longer valid, references a couple of past appeals from the previous owner. The parcel has been a used car lot since 1990. The applicant is seeking to sell vehicles, consistent with the past approvals.

Dave Metzdorf, 17 Whittier Road, spoke in support of the applicant.

Motion by Mr. Richardson: To approve the application for GMK Auto Sales, Inc. for a Used Car Dealer License - Class II to be located at 118 East Falmouth Highway, as presented. Second: Mr. Reed.
Vote: Yes – 5 No – 0

h. Discuss and consider a vote to designate a member of the Select Board to seek input on the request to name the Green Pond Bridge for Sgt. Joshua Tipton

Mr. Renshaw explained that at the July 15, 2024, meeting the Board voted to initiate the naming process to name the Green Pond Bridge for Sgt. Joshua Tipton. In accordance with the policy, the waiting period of a year has elapsed, and a member of the Select Board shall be designated to seek input and advice of whichever departments, boards, committees, or commissions needed and report back to the full Board pending the findings. The Board will then advertise a public hearing to seek input from the community.

Motion by Mr. Mascali: To designate Mr. Colin Reed to seek input on the request to name the Green Pond Bridge for Sgt. Joshua Tipton. Second: Mr. Richardson.
Vote: Yes – 5 No – 0

i. Discuss and consider a vote to authorize the Town Manager to issue a request for proposals to lease Falmouth Country Club, 630 Carriage Shop Rd. to a private operator

Mr. Johnson-Staub explained that the Board has a proposed RFP and a draft lease for review. The RFP has an initial term of ten years with an option to renew by mutual agreement of the Town and the private operator .The minimum requirements are written to ensure that only firms experienced in managing all aspects of a golf course operation are eligible. There is a base rent of $425,000 with no escalator, a revenue share threshold with a maximum of $2,000,000 with an escalator of up to 3% annually, and the respondents can choose a lower revenue share threshold, and they can choose not to apply the full 3% escalator. There is no minimum revenue share for food, beverage, and shop. The intention is to give greater incentives to private operators to invest in their food service and capture all of the profit that results. The private operator will not be required to pay for capital improvements. The Town will prepare a capital plan with input from the operator. The operator may choose to contribute to certain amount toward capital improvements for which it will derive some benefit. The draft lease has been reviewed by legal counsel.

Mr. Richardson asked about finding a balance to lock in the residential rate over a number of years. Mr. Johnson-Staub stated that the RFP requires a resident discount of at least 10%, with a larger amount being a higher criteria for consideration. It is unclear what will occur in the golf economy in coming years.

Motion by Mr. Reed: Under Option 1, to move that the Board declare the Falmouth Country Club property at 630 Carriage Shop Road as available for disposition and move that the Select Board authorize the Town Manager to execute and issue a Request for Proposals to lease the Falmouth Country Club at 630 Carriage Shop Road to a private operator as presented with any technical corrections and revisions deemed necessary. Second: Mr. Brown.
Vote: Yes – 5 No – 0

j. Discuss and consider the approval of Select Board committee liaison assignments

The Board reviewed its proposed committee liaison assignments.

5. MINUTES

a. Review and vote to approve minutes of meetings: Public Session - October 2, 2023; December 4, 2023 and July 14, 2025.

Motion by Mr. Reed: To approve the meeting minutes of Public Session - October 2, 2023; December 4, 2023 and July 14, 2025, as amended. Second: Ms. Goldstone.
Vote: Yes – 5 No – 0

6. TOWN MANAGER'S SUPPLEMENTAL REPORT:

- Mr. Renshaw stated that Staff has recently started its Capital Improvement Plan process with staff level and department submittals. The Finance Department and Finance Director have been reviewing and compiling that information. The Finance Director has devised a plan to get all of the departments together in one room to collaborate and review the Plan holistically.

7. SELECT BOARD REPORTS

- Mr. Richardson stated that he attended a Bridge Forum and Mass DOT had some encouraging updates.
- Ms. Goldstone stated that she attended the Old Stone Dock Association breakfast for staff. She also attended the Affordable Housing Forum. She moderated a webinar for RENEW New England.
- Mr. Reed stated that Resilient Woods Hole is hosting a workshop on Thursday, August 7^{th} from 4pm-7pm. The Woods Hole Science Stroll is Saturday August 9^{th} from 10am-3pm.

8. FUTURE AGENDA ITEMS

- Mr. Richardson suggested a discussion regarding retail licenses for marijuana.
- Mr. Richardson suggested a conversation regarding purchasing or redeveloping existing properties in terms of zoning laws and incentivization.
- Mr. Brown suggested a discussion around a Correspondence Policy.

9. ADJOURN

Motion by Ms. Goldstone: To adjourn at 10:51pm.
Second: Mr. Reed. Vote: Yes – 5 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary