Town of Falmouth Select Board
Regular Meeting Minutes
Tuesday, October 14, 2025, 6:00 PM
Senior Center
Old Silver / Surf Drive Program Room
780 Main Street, Falmouth, MA 02540

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

OPEN SESSION - 6:00 PM

EXECUTIVE SESSION - 6:00 PM

a. M.G.L. c. 30A sec. 21(a)(3) - To discuss strategy with respect to imminent litigation

b. M.G.L. c. 30A sec. 21(a)(3) - To discuss strategy with respect to imminent litigation re: 341 Seacoast Blvd.

A roll call vote was taken to go into Executive Session and return to Open Session at 6:30.

OPEN SESSION - 6:30 PM
Call to Order – Chair Mascali called the meeting to order at 6:30 following Executive Session where the above-listed items were discussed.

Pledge of Allegiance – Led by Select Board

Recognitions
Chair Mascali recognized the presence of the former chair and vice-chair of the Select Board, Ms. Taylor and Mr. Zylinski.

Dr Goldstone recognized 1) the runners and volunteers of the Cape Cod Marathon this past weekend; 2) the Coast Guard for the unusual rescue this past weekend; and 3) the hundreds of federally employed workers in the community who are currently furloughed or working without pay, and the non-profits who often step in to support those workers during shutdowns.

Announcements
Chair Mascali said he was honored to be part of the Indigenous Peoples Celebration at the Museums on the Green. He highlighted portions of the celebration.

Public Comment – None

CONSENT AGENDA

a. Licenses

1) Consider a vote to approve the application by West Falmouth Library located at 575 West Falmouth Highway, West Falmouth, for a Special One-Day Wine & Malt Beverages License for a Book Launch featuring author Katherine Zappone to be held on October 22, 2025, from 5:00 pm to 7:00 pm.

2) Consider a vote to approve the application by West Falmouth Library located at 575 West Falmouth Highway, West Falmouth, for a Special One-Day Wine & Malt Beverages License for a Fall Wine Tasting to be held on October 29, 2025, from 6:00 pm to 8:00 pm.

3) Consider a vote to approve the application by Cape Arts & Entertainment, Inc. d/b/a Cape Symphony & Cape Symphony Presents located at 60 Highfield Drive, Falmouth, to amend its annual Entertainment License by extending the hours from 6:30 pm to 9:30 pm to 9:30 am to 10:00 pm to allow daytime events.

4) Consider a vote to approve an application from Shipwrecked LLC for a Special One-Day Wine & Malt Liquor License for the Shipwrecked/Falmouth in the Fall Road Race After Party to be held in the parking lot of Shipwrecked/The Heights Hotel, 263 Grand Avenue on Sunday, 11/2/25 from 10:00 a.m. to 6:00 p.m.

b. Administrative Orders

1) Discuss and consider approval of the appointment of an Alternate Member to serve on the Military-Civilian-Community Council (MC3) at Joint Base Cape Cod

2) Consider a vote to approve and sign the Regulatory Agreement for 464 Main Street

3) Consider a vote to approve a Conservation Restriction for 168 Shore Street **(Held by Dr. Goldstone)**

4) Consider a vote to approve the FFY26 Municipal Road Safety Program Grant

5) Consider a vote to accept a donation from Gerald and Dianne Lynch in the amount of $500.00 to the Police Department

6) Consider a vote to accept a donation from Gerald and Dianne Lynch in the amount of $500 and a donation from Fay Clark DiGiulian in the amount of $500 to the Falmouth Fire Rescue Department

7) Discuss and consider support for and approval of written testimony on House Bill H4082 - refundable Title 5 septic tax credit **(Held by Mr. Richardson)**

Motion by Dr. Goldstone: To approve the Consent Agenda, with the exception of Items 3 and 7
Second: Mr. Richardson Vote: Yes – 5 No – 0

Dr. Goldstone asked first about a portion of the parcel to be placed under conservation restriction, which was in a couple of different flood designations, and would that portion of the lot be otherwise developable. Jed Cornock, Community Development Director, said he could not answer that. He said if it is in a flood zone, there would certainly be challenges with that property. Dr. Goldstone then said she would like more color on the conservation argument on that parcel. Town Counsel said this is not a Town project, that it is from The 300 Committee and the impetus came from the homeowner, who requested the CR be placed on their own land. T3C would take on responsibility for maintenance of the CR. She said the real driving purpose for this CR is to support structures already on there as a historic preservation site. There was further brief comment on the purpose, process and benefits, taxwise, a homeowner might go through to obtain a restriction on his/her property.

Motion by Mr. Brown: To make a positive motion in favor of that (because if T3C is supporting it, there must be some value to the land for conservation). Second: Mr. Richardson Vote: Yes – 5 No – 0

Mr. Richardson said he was holding Item 7 because he had to abstain. Mr. Renshaw provided some background to the item. Mr. Renshaw, asked by Chair Mascali, gave a brief history of the item and referred to a letter of support in the Select Board packet to the joint committee on revenue recommending approval and passage of this piece of legislation. Mr. Brown commented briefly on how limited-income residents would be benefited by this action.

Motion by Dr. Goldstone: To approve the attached written letter and testimony in support of House Bill 4082, an Act Relative to a Refundable Title 5 Septic System Tax Credit, as presented and authorize the chairperson to sign the letter Second: Mr. Reed Vote: Yes – 4 No – 0 Abstain – 1 (Mr. Richardson)

COMMITTEE INTERVIEWS
Interview and consider a vote to appoint committee members:

EDIC - Jim Fox
Mr. Fox summarized his reasons for applying for the position. Mr. Reed said he would recommend Mr. Fox for the position.
Motion by Mr. Reed: To approve Mr. Fox for a 3-year term Second: Mr. Brown
Vote: Yes – 5 No - 0

Commission on Substance Use - Dr. Greg Parkinson, Ryan Walker, Bryan LeBlanc
Mr. Renshaw said there are 3 applicants for two positions, one ending 6/30/2027 and the other. 6/30/2028.

Dr. Greg Parkinson
Dr. Parkinson, a physician at Falmouth Pediatrics and a school physician for the Town, summarized his qualifications and application information, focusing on the history of substance use deaths in Town, the impact on families, and the need for prevention. He said the area most in need is the prevention side. He said he would love to bring his expertise caring for kids as well as his experience in advocacy at the state level to the commission. Chair Mascali asked Dr. Parkinson if he had opinions about programs related to harm reduction. Dr. Parkinson said harm reduction is important, but we have got to keep people from dying. Chair Mascali also asked about possibly using weight reducing drugs for people suffering with addiction. Dr. Parkingson said he could not offer an opinion on that.

Mr. Brown asked if Dr. Parkinson's position in the schools would afford opportunities to introduce programs. Dr. Parkinson said he thinks it would. He said his having an active part at Falmouth Hospital would be an asset on the committee. He said he could go with either term.

Mr. Richardson asked about overdose prevention centers. Dr. Parkinson said they certainly have value and gave reasons for this opinion. He said he would be open to looking at it.

Ryan Walker
Mr. Walker said he felt motivated to apply because of his belief in public service. He then reviewed his credentials and qualifications for the position which were listed in his application, including his education and experience in state government. He said he feels passionate about giving back and serving his community.

Dr. Goldstone asked if Mr. Walder had attended any meeting of the commission and what he might be looking to advance. Mr. Walker said yes, he has attended meetings and has read 10 years' worth of meetings. He said what is missing are conversations about data and outcomes and measures. He said measuring what success is is critical to moving a coalition forward. He said he could bring this immediately to the commission.

Board comment cited Mr. Walker's impressive resume.

Bryan LeBlanc
Mr. LeBlanc, a house manager at a sober house, said he himself is in recovery and knows what it is like to be in recovery. He provided details of his credentials and history. He said he has a big understanding of what it's like to be in recovery and the commission needs someone who can represent this aspect of the issue, which is why he decided to apply. He said he attended a meeting of the commission last month.

Chair Mascali asked about the MASH program. Mr. LeBlanc said he was not MASH-certified himself but has heard that it's a great program and that the grants help people coming out of recovery with paying rent among other things.

Mr. Richardson asked if the commission membership could be increased. Mr. Renshaw said that the membership had already been increased from 5 to 7. Mr. Richardson said that he would like to increase it to 8. Mr. Renshaw said that this issue is not on the agenda, and that due to not having been properly posted, could not be done at tonight's meeting. Town Counsel agreed. She also cautioned against making the group too large due to potential problems with meeting quorum. She said anyone can attend a public meeting and offer comment. Mr. Richardson said he would move doing that (increasing the commission size) at a future meeting and accept two positions tonight and that at a future meeting add a position and the 3rd applicant. He said if it opens up other applicants, we could deal with that then. Town Counsel again cautioned against voting that tonight since it is not on the agenda.

Mr. Brown asked if anyone on the commission could give a better idea of its makeup. Elias Lieberman, a member, said the commission has had 9 members in the past. He gave a summary of current members and what they bring to the group. He said they have talked about expanding the commission in the past. Dr. Goldstone asked why. At this point, Town Counsel said that this discussion topic was not on the agenda, that the vote was to appoint two members. She said this item would have to be saved for another agenda item.

Motion by Dr Goldstone: Postponement of the vote to appoint new members to the substance abuse commission until a time when we can discuss the composition of the commission more holistically
Second: Mr. Richardson Vote: Yes – 3 No – 2 (Mr. Brown and Chair Mascali)

<u>Board of Assessors - Joseph Clancy, Bruce Beardsley</u>
Joseph Clancy
Mr. Clancy, currently on the Council on Aging, summarized his experience and expertise for the Board, including working on a project begun in 1976 and concluding in 1980 to re-appraise all buildings and put values on them in MA cities and towns; his licensure credentials; and his understanding of appraisals and assessing and their distinct roles in setting tax rates. Mr. Brown asked if he knew about a wide-spread practice of overvaluing lower-income properties and undervaluing higher-income properties. Mr. Clancy said he has not encountered this practice locally or on Cape Cod.

Motion by Mr. Brown: To appoint Joseph Clancy to serve on the Board of Assessors for a period ending June 30, 2027 Second: Mr. Richardson Vote: Yes – 5 No - 0

Bruce Beardsley
Mr. Beardsley, a Falmouth homeowner since 1998, spoke briefly about his experience in the field and his real estate background. He said he has worked with Joseph Clancy in the past and commended his work. Mr. Brown asked the same question of Mr. Beardsley as he had of Mr. Clancy. Mr. Beardsley said he had not seen those articles and that he has no personal experience with that, but would be interested in coming up to speed on it.

Motion by Mr. Richardson: To appoint Bruce Beardsley to the Board of Assessors for a term expiring June 30, 2028 Second: Dr. Goldstone Vote: Yes – 5 No – 0

<u>Historical Commission - Christopher Buccino</u>
Mr. Renshaw summarized the position for the Board referring to *Item 5.a.4.* in the Select Board packet. He said this applicant is interested in the full voting position.

Christopher Buccino
Mr. Buccino, a landscape architect, summarized his generational family history of living in Falmouth, saying he now brings a 4th generation to live and work in Town. He said his work would bring a new perspective and added value to the historical commission. Dr. Goldstone asked Mr. Buccino his views on the conundrum of balancing the needs of the community to evolve and adopt new technology with historical preservation. Mr. Buccino said it is about determining what has value and what does not, to try to define the value of preservation and historic elements, the fabric of the Town. Mr. Brown asked Mr. Buccino's opinion on traditional vs. more modern buildings on Main St. Mr. Buccino said he had been involved (as a landscape designer) with the project years ago in Quissett Harbor to

construct a modern house in an historic district. He said he cherishes the historic fabric of the Town but said a community also has to evolve and create a new history.

Motion by Dr. Goldstone: To appoint Christopher Buccino to the Historical Commission full member position for a term until June 30, 2027 Second: Mr. Richardson Vote: Yes – 5 No - 0

PUBLIC HEARINGS

Consider a vote to approve the application submitted by Shipwrecked LLC for a One-Day Entertainment and Sunday Entertainment License for the Shipwrecked/Falmouth in the Fall Road Race After Party to be held in the parking lot of Shipwrecked/The Heights Hotel, 263 Grand Avenue on Sunday, 11/2/25 from 10:00 a.m. to 6:00 p.m.
Dr. Goldstone read out the hearing notice.

Mr. Renshaw summarized the item for the Board referring to *Item 6.a*. in the Select Board packet. He said he had reached out to the health agent who has been monitoring the situation. Scott McGann said that the septic system is due to be replaced but determined after July 4 and Road Race weekends were without incident, that the current pumping system is adequate. He said installation of the new system will be after the fall event and take 3-4 weeks. He said the health department will continue to monitor the pumping regime and shut things down if necessary.

Dominique, representing Shipwrecked, was present. She is a server and manager at the establishment. She said it will be a smaller version of what was done after the Road Race and then outlined what type of things would be offered at the event. The Board briefly commented on the success of Shipwreck's events.

Public comment: None

Motion by Dr. Goldstone: To close the hearing Second: Mr. Brown Vote: Yes – 5 No – 0

Motion by Mr. Reed: To approve the application submitted by Shipwrecked LLC for a One-Day Entertainment License and a Sunday Entertainment License for the Shipwrecked/Falmouth in the Fall Road Race After Party to be held in the parking lot of Shipwrecked/The Heights Hotel, 263 Grand Avenue on Sunday, 11/2/25 from 10:00 a.m. to 6:00 p.m. Second: Mr. Richardson Vote: Yes – 5 No - 0

BUSINESS

Consider Vote to Select Site for New Police Station
Chair Mascali said he had asked the Town Manager to arrange a further community meeting on this issue, which has now been scheduled for October 28 with location TBD.

Boyd Demello, Police Station Advisory Committee Chairman, introduced the 45-minute presentation and indicated who else would be contributing: Jed Cornock, Community Development Director, and Steve Kirby from Vertex, the OPM. Mr. Cornock summarized the process used during the Town-owned parcel inventory analysis, during which time he explained the Article 97 swap procedure. Mr. Kirby then reviewed each of the 16 considered parcels, plus the Neill Youth Baseball Field, and their scores on the matrix and what contributed to those scores. He then explained the investigations of the top two parcels, 14 and 15, with 484 Brick Kiln Rd. (Parcel 14) emerging as the preferred option. Matt Salad from Tecton Architects, first said that the project would be located 1,500 feet, not 1,000 feet, from Long Pond. He then went on to explain the conceptual site plan and details connected with that, such as stormwater mitigation. (Mr. Mascali asked if any consideration had been given to switching the public access points since public access is directly across from the YMCA and if that would be possible going forward. Mr. Salad said "absolutely." He also provided details related to Long Pond's surface water supply issues and space needs of the proposed station.

Mr. Renshaw asked Town Counsel to provide context behind the letter received earlier today from MassDEP. She said she had met with Jim McLaughlin, the head of the drinking water program for the southeast region of DEP, and another support member of their team, and in that meeting, she said it was made clear that the agency has little jurisdiction over the project as proposed and listed 3 prohibitions against construction - livestock presence, underground fuel storage, and swimming. The project as proposed under MassDEP restrictions, is acceptable, the letter, authored by Mr. McLaughlin, states. The rest of the letter, she said, was the personal opinion of Jim McLaughlin and not based in the law. She said these things were also expressed during the meeting. She said that in her opinion as Town Counsel, she found it highly inappropriate for a person representing the DEP to put his personal opinion in a letter on DEP letterhead. She said it read like an enforcement letter, or a command, and no basis in the law. She again said that according to the two men at that meeting, the project is fully compliant.

Mr. Brown noted that the letter writer seemed not to know about the sewer connection at the parcel. Town Counsel said she could not tell where Mr. McLaughlin was getting some of the information that was in the letter, but it was not from the meeting. She said they asked if there were anything in DEP regulations that would prohibit this project, and the answer was no. She went on to give examples of things in the letter that dealt with other parcels, saying she did not know where that information came from. She said the take-away is that the project is completely compliant.

Next, Dr. Goldstone said that she was at a bit of a loss, that as she read the letter, it said the DEP has no jurisdiction, but there was an assumption, especially in the rating of the existing water treatment plant, that the Town would be taking certain steps to assure that those parcels would not be developed, and if they were to be developed, there would be a risk of putting in jeopardy the current rating of the water treatment plant. She said it was hard to reconcile all of that with the signed letter they had received.

Regarding the letter, Town Counsel said the following:

- It contains a kernel of accuracy with much extraneous, biased thoughts
- There is a water treatment plan for Long Pond according to DEP regulations
- DEP said the Town would have to revisit that along with all properties in the overlay district, a very large area
- Development of properties has changed over time, new since approval of the water treatment plant
- The Town has to submit new applications from time to time when things change
- The Town has an excess of credits in accordance with the last submission for how it treats Long Pond
- Mr. McLoughlin tried to vaguely threaten that the Town would lose credits if it developed the parcel like that, but the Town asked Tata and Howard to look at that situation and there is so much good from the water protection supply already that losing anything as a result of development as we are permitted to do would not impact how we treat Long Pond

Matt Lanen, Wastewater Superintendent, said Town Counsel was correct and then explained how all those credits work with the water treatment process.

Mr. Richardson read aloud a paragraph from the referenced letter. He said he has serious concerns about ignoring a paragraph of a letter containing language about water protection that was allowed to leave that agency's office. Town Counsel agreed that she, too, has serious concerns how this letter was able to leave that office, given that she was in that meeting. She said it is not a reflection of her understanding of what happened.

Chair Mascali noted that the letter was received at 12:30 this afternoon, and it was contrary to our impression of what transpired at the meeting. He said it is appropriate to go on record as to what our belief is with respect to the letter that was submitted.

Peter McConarty, DPW Director, commented on monitoring wells placed in the back of the site. He went on to explain the SOP (standard operating procedure) regarding the water treatment plant's emergency response plan and anything that could happen around that area. He said they would be adding to the SOP emergency response for the monitoring wells. Storm water will also be monitored, and he explained how that would happen. He said best management practices would be used for that site. He said he has been closely working with the design team, all of whom are committed to bring clean, potable water to the Town. He thanked the committee and all involved with this project. He said he and Public Works back the chosen sites and design of the project.

Chief Lourie commented on the disgusting condition of the existing police station due to repeated water/sewer backup. He the department needs to get out of there. He said it is disgusting and unhealthy. He said the Town would do everything it can to protect the water source. He said across the street is the YMCA located on septic. He cited ways the new station could be used to the Town's advantage. He said his department deserves better than what they now have. He said the Town will not do anything to hurt the community. He said the current station is awful.

Chair Mascali said no one doubts the need for a new station.

Public comment:
Scott Zylinski – asked the Board "What are we waiting for? – said this is the best you're going to get with the most informative crew – said he would ask for a vote tonight.

Mr. Brown said he does not see another site available, and being on the sewer makes this project happen. He said the other places don't add up, that nothing compares to this site. The stormwater can be managed, he said. He'd like to get this moving, he said.

Chair Mascali said that he, too, is supportive of the site at this point and commended all the work that has gone into this project thus far.

Public comment:
Nancy Taylor, Precinct 1 – said the committee has done an incredibly diligent job – said we need to honor their work – urged the Board to move this project forward as presented – said that her questions have been answered, including any impact to Long Pond – again strongly urged the Board to move the project forward as presented.

Dr. Goldstone said she honors the work done by this group and the need for a new police station. At the same time, the Town should not have set those parcels on the table, that the area around the pond should be conserved. She said the Town has considered that land as conservation land for decades without it being on the books as such, and it should have been so it was clear. She said if that location is one of the primary constraints, then we should get more creative about what we consider acceptable sites. She said 5 acres of trees are doing something – storing carbon, filtering water, providing habitat, uses already going on there. She said considering other locations might involve purchasing land to get to a site that doesn't put us in this sensitive district. She said while urgent, a vote tonight will not move the police station tomorrow. She said the decision is not only 55 million dollars, but also a 100-year decision. She said she cannot take the risk on this sensitive site before exhaustively and creatively looking at all options in the target area in Town. She said she can support design funds at Town Meeting but not the site.

Mr. Reed said he seconded Dr. Goldstone's views. He said he voiced concern two weeks ago and has met with Town management, which he appreciated. He said the site is different than the building. He said the building is needed. He also said he appreciated the inclusion of Trotting Park. He also spoke positively about the upcoming community meeting on 10/28 and thinks the community will benefit from that. He said it's not right to ask the police to continue to work in the current circumstances. He said the primary question he's been asked is how we are going to improve our water quality and water sources. He went on to state his concerns about Long Pond and the impact on the land. He said his decision is about what's best for Falmouth in the future, and that his bigger question is why have we not built on that land. He said it has been conserved all this time as one of our only large, natural parks that happens to have a reservoir, making it a sensitive area.

Chair Mascali said that this parcel was originally off the table but was reconsidered because there really was no other viable alternative for the siting.

Mr. Richardson said he cannot in good faith as an environmentalist undervalue how a letter could leave the office of the governor, lieutenant governor, and climate secretary that points to potential irreversible negative consequences for the future water quality of Long Pond. He said he cannot, until he gets more clarity on the letter, vote for this site in good faith.

Mr. Brown asked why an environmentally conscious community like Falmouth did not have anyone from any such group at this meeting to speak against this project. He said this kind of indecision is the kind of thing that can kill a project. He said that to be this unsure at this stage, after two years of work, and we go to Town Meeting fractured, it is no way to bring a project. He said he wished Board members who are opposed could have more faith in staff and that he doesn't see the opposition that that those opposed are alluding to. He acknowledged the letter from the state but said he did not have as much respect for that as perhaps he should.

Chair Mascali said that he agrees with Mr. Brown but that there have been a number of submitted emails and comments showing concern.

Public comment:
Joseph Clancy, Currier Rd. – offered historical perspective going back to site selection for the senior center – said he had faith in Town leaders and the site selection committee and design team and the safeguards that are part of this project, especially related to the sewer – said he thought it was important to give this a positive vote.

Chair Mascali said he was not sure there was consensus on this vote and if the Board would consider a motion to defer a vote on this issue.

Mr. Renshaw detailed the timeline of the Select Board meetings and community forum leading up to Town Meeting affirming that a deferred vote would be possible. He reiterated the commitment of the Town to protect the resources that are so vital to our existence. He did not recommend going into Town Meeting without a site identified.

Mr. Johnson-Staub clarified that the warrant will be going to the printer either tomorrow (Wednesday) or Thursday with the printed explanation referring to this recommended site. The printed recommendation in the warrant will be from the Police Station Advisory Committee as recommended to Select Board. A voted position of the Select Board can be made in a presentation at Town Meeting.

Motion by Mr. Richardson: To defer decision on selecting a site for the construction of a new police station
Second: Chair Mascali

Mr. Brown asked one more time to "think hard on this because we're running out of time." Mr. Richardson said if he gets different clarification from the DEP he would be willing to change his vote. Chair Mascali again noted that the DEP letter came in at the eleventh hour, unfairly, in his opinion. Mr. Brown recommended sending a letter to DEP asking if the agency understood that the project would be on the sewer because the letter didn't imply that. Chair Mascali said, "I think we need to go on record with DEP."

Vote: Yes – 5 No - 0

<u>Report - Council on Aging</u>
Jill Bishop, Director, and Joe Clancy, chair of the COA, orally presented the information to the Board. which contained highlights of the written annual report, including the Senior Center Wall of Recognition, the spring Health and Resource Fair, volunteers support, fund raising by the Friends of the Senior Center, and the annual September open house, among other features. Presenters used photo displays and information screens via power point.

Questions/comments from the Board included the following areas:

- The expanded hours of operation at the center
- The availability of space at the center for other groups
- Feedback from the senior population on transportation needs/services
- Growth in active participants at the center and how this growth can occur with existing resources and staff
- The growth trajectory and the residency requirement and how those two things intersected

Ms. Bishop provided updated details on the CCRTA passenger vehicles. She said they are getting a new vehicle as soon as she can meet with the Town Manager. She showed a final slide of the presentation dealing with statistics regarding growth at the center.

Mr. Reed thanked Ms. Bishop and everyone connected with the senior center and congratulated them all for the repeated success. He commended Ms. Bishop especially for her management of the center, calling her "a gem for this Town."

Report - Shellfish Advisory Committee
Peter Chase, chair of the committee, provided an oral summary of the past year for the Board, including such topics as the aquaculture pilot project, MES coordination working with the committee on various projects, and working with Wastewater Superintendent Amy Lowell on the outfall project.

Questions/comments from the Board included the following areas:

- The type of harvesting going on in Falmouth Harbor and related details of that process
- The shrinking of shellfish size along the South Coast and if that were occurring in Falmouth (Mr. Chase said they are not seeing that problem, but he had no hard data on it.)

Vote article recommendations for November 17, 2025 Town Meeting
Mr. Renshaw summarized the item for the Board, referring to *Item 7.d.* in the Select Board packet. He then turned the meeting over to Mr. Johnson-Staub to review specific Articles, which he began to do one by one.

Article 10 – Mr. Johnson-Staub explained the details in the explanation, written by Town Counsel, regarding grinder pumps and what the Town has paid for regarding costs of these required pumps. Mr. Brown asked if it continues the practice of replacing it when needed. Mr. Johnson-Staub said that this special Act provides legislative authority for the Select Board to do that to the extent that it chooses to do so. Chair Mascali asked if there were a history of this type of application before as to where the state stands on questions like this. Town Counsel said this has been approved before for Falmouth.

Motion by Dr. Goldstone: To vote Article 10 as printed Second: Mr. Brown Vote: Yes – 5 No – 0
(Although not present for the actual vote, Mr. Richardson said during discussion of the next item that his vote for Article 10 would be **Yes**.)

Article 11 – Mr. Johnson-Staub detailed the explanation, saying that Mr. Palmer, the current Town clerk, supports the Charter change due to increased challenges and expertise required in this modern day. He added that this change ensures that the Town Clerk is not a partisan and why this is so. Mr. Richardson added that a number of communities have also made this change. Dr. Goldstone suggested adding to the explanation appointed by whom, which would be the Town Manager. Mr. Renshaw added that it would be with affirmation of the Select Board. Chair Mascali asked about a residency requirement. Mr. Johnson-Staub said that the position would be treated the same as other division heads, allowing the Select Board to waive that requirement.

Motion by Dr. Goldstone: To move the recommendation and explanation amended to include the appointment by the Town Manager with Select Board affirmation Second: Mr. Richardson
Vote: Yes – 5 No - 0

Article 12 – Mr, Johnson-Staub detailed the explanation about the land known as the Cape Cod Country Club. Chair Mascali sought clarification that any question that have been raised about decommissioning and bonding would be within the Town's jurisdiction going forward with any agreement with the developer. Mr. Johnson-Staub said yes and provided more information regarding specifics related to those questions. Chair Mascali recalled for the Board that in September of 2023, the Select Board went into a non- binding MOU with the proponent to develop it in this fashion. Mr. Brown asked about the language referring to entering into a lease or leases for a term up to 40 years as may be extended by agreement …. He said he thought the agreement 4 years ago was for a lease period up to 30 years with the potential to extend to 40. Town Counsel said the language says "up to 40" and the possibility it could be more. She said realistically, they are looking at 30 to 35. She said beyond 40 years would not be without controls. Mr. Brown also asked if we want to request additional features that haven't been discussed and we are then in disagreement with the developer, can we undo this. Town Counsel said that all this article does is authorize the Select Board to act.

Motion by Mr. Brown: To vote Article 12 as printed Second: Dr. Goldstone
Vote: Yes – 4 No – 1 (Mr. Richardson)

Article 13 – Mr. Johnson-Staub detailed this explanation, also related to the Cape Cod Country Club.
Motion by Dr. Goldstone: To vote Article 13 as printed Second: Mr. Brown

Vote: Yes – 4 No – 1 (Mr. Richardson)

Article 14 – Mr. Johnson-Staub detailed this petition article, also related to the Cape Cod Country Club, the recommendation for which is Indefinite Postponement. He said the intent appears to be to prevent the CCCC from developing solar, but given case and state law, it will have the unintended effect of the Town losing control of the siting of large-scale ground-mounted solar, beyond just this project. Town Counsel explained that rationale further and its impact on the Town. Mr. Johnson-Staub said the explanation would include this rationale. He said it was available but did not appear in the warrant book.

At this point, Mr. Richardson explained his votes on Articles 12 and 13. He said considering his conscience, the level of outreach from the community, and his stance on the police station, he felt it was an injustice for him to have a dissonant stance on nature and preserved land and recreation space to have a different vote on this item. He said he was sticking with his principles and thus voted no on the previous two articles. He said he thinks solar is incredibly important, but he was just not a fan of this project. He said he appreciated all the work done on it.

Mr. Brown then offered a history of this project going back 4 to 5 years ago. He noted the changes over that span of years regarding the golf industry, changes resulting from COVID, energy credits, so the landscape has changed. He said it's not that we're doing it now, we did it 4 years ago. He said he understands the current comments, but in business, a deal is a deal, and that if we ruin this deal for the developer, we could get spiteful development, using Liberty Green as an example. Chair Mascali said that was a concern of his as well.

Motion by Dr. Goldstone: To vote Indefinite Postponement Second: Mr. Brown
Vote: Yes – 5 No - 0

Mr. Richardson explained his Yes vote: he said he thinks the Town should pursue solar in the future, and there are questions on how this would impact how the Town pursues solar in the future. He said this is a problem that is big enough, and at this point it wouldn't make sense to vote no.

Article 17 – Mr. Johnson-Staub explained this petition article. He said The 300 Committee is on record not supporting this article.

Motion by Mr. Richardson: To move Indefinite Postponement Second: Mr. Reed
Vote: Yes – 5 No – 0

Article 18 – Mr. Johnson-Staub explained the article, noting that the only difference is that the conservation restriction would be granted to the Town, not T3C.

Motion by Mr. Reed: To move Indefinite Postponement Second: Mr. Richardson
Vote: Yes – 5 No - 0

Discuss Draft Regulation to Create an Arts and Culture license for the sale of alcohol
Mr. Renshaw orally reviewed the item for the Board, referring to *Item 7.e.* in the Select Board packet. Town Counsel then reviewed the draft license that was also in the packet. She explained what the license would allow and the rationale behind the allowances. She proposed an amendment to #3 to include libraries: "… a museum, *library*, or historic building … ." She also mentioned the requirement to provide food.

Questions from the Board included these areas: (Answers are from Town Counsel.)

- How much information applicants have to provide about hours, frequency, etc. (Section C would address that.)
- What the Board is being asked to do regarding this item (To authorize a schedule for a hearing to move this forward, and all that would entail)
- If securing an entertainment license is part of this process (That is a completely separate licensing structure, and further details)

- How a situation such as exists with Yarmouth's Cultural Center would work regarding alcohol service and day to day operations (That situation was not contemplated for this. This was intended for not-full-time operation, but that idea is something that should be considered.)
- Idea to include language about not exceeding a certain number of hours per week (Hearing can be scheduled without such language in place.)

Mr. Reed thanked Town Counsel and the Town Manager's office for bringing this concept forward and adding this efficiency to the process of licensing. Other Board members echoed these thanks.

Motion by Mr. Reed: To schedule a hearing to adopt the Arts and Culture License for the sale of alcohol as presented Second: Mr. Brown Vote: Yes – 5 No – 0

<u>Consider a vote to declare an emergency pursuant to M.G.L. chapter 32, section 91 for the purpose of a retiree working more than 1,200 hours for the Emergency Communications Center</u>

Mr. Johnson-Staub reviewed the item for the Board, referring to *Item 7.f.* in the Select Board packet. He said the general law does provide for a process whereby the appointing authority (Select Board) can declare that an emergency exists with respect to the need for this position (the acting emergency communication center director), a vacancy exists in that position, and there is no other person able to fill that position. He said those 3 conditions are met in this situation. After a question from Chair Mascali, he went on to say that this emergency applies specifically to this situation, and this individual.

Mr. Reed sought clarification that if any of the 3 stipulations is no longer needed, then the whole issue is no longer needed. Mr. Johnson-Staub said, "That is correct." He also said it is for only a one-year period, and another vote could not be taken at that time without a break.

Dr. Goldstone asked for an explanation regarding the expectation that the situation would be alleviated in six months. Mr. Renshaw said that the roll-out of the new systems and staffing recruitment would work together on alleviating this. Mr. Johnson-Staub also said that promotion of emergency communications staff to supervisory positions will help take some load off the director.

Motion by Mr. Reed: To affirm the following conditions have been met to declare an emergency service need pursuant to M.G.L. chapter 32, section 91: 1) an emergency exists with respect to the need for an Acting emergency Communications Center Director; 2) a vacancy exists in the Acting Emergency Communications Center Director temporary position; and 3) there is no person other than retired Police Lieutenant Sean Doyle with equivalent knowledge and experience available at this time for this position
Second: Mr. Richardson Vote: Yes – 5 No - 0

<u>Discuss the planned recruitment process for the Chief of Fire Rescue</u>

Mr. Renshaw reviewed the item for the Board, referring to Item *7.g.* in the Select Board packet. He highlighted the process that would be used, saying it would follow the general process that was used to select the police chief. He said it would likely be a 4-month process. He said he hoped to engage with the consultant as early as next week. In response to a question from the chair, Mr. Renshaw said compensation for the consultant would range from $13-$15,000 upwards of $25,000.

Mr. Reed asked what would happen if the selection process was not complete before the retirement date of Chief Smith. Mr. Renshaw said systems are in place with existing personnel. There are two outstanding deputy chiefs who could fill in, for example.

Public comment:
Marc Finneran, Grand Ave. – said it was difficult to hear in the room – said everyone should have a microphone – couldn't hear a lot of what was said throughout the evening – hopes this process mimics the process to select the police chief – people in Town deserve a similar outcome to what happened with the police chief

<u>Discuss and consider a vote to submit a Home Rule Petition to create a Licensing Commission</u>
Town Counsel reviewed in detail this item for the Board, referring to two drafts to create a licensing commission that appeared in the Select Board packet. She outlined the differences between the two drafts. She said she was seeking authority to proceed with one or the other. There is no deadline on a decision, she said.

Mr. Richardson supported moving this forward tonight because the sooner the better regarding the legislative calendar and home rule petitions.

Chair Mascali reiterated his position not in favor of this licensing commission as proposed, briefly elaborating on his reasons. He said he felt the Select Board should retain that authority.

Mr. Brown said he is in support of this and outlined his reasons why. He noted the Charter Review Committee has recommended it a couple times. He said he also favors the second version that includes the entertainment license.

Dr. Goldstone said she strongly supports the second version with both restaurant liquor licenses and entertainment licenses under the purview of the licensing commission. She explained her reasons, many focusing on efficiencies for applicants.

Chair Mascali said again he appreciates the comments but thinks giving the licensing commission the power to make all necessary rules and regulations without input from the Select Board is just wrong and a major problem. He said it is giving a licensing commission way more authority than the Charter Review Committee may have thought about.

Town Counsel said in a normal course, regulations cannot be promulgated without a public hearing and input.

Mr. Reed said he favored the second version but said he heard what the Chair was saying. He noted that the Select Board has the power of appointment, so we can assure that we are aligned. He went on to offer further reasons for his support of the commission, in general saying this streamlining will allow the Select Board to focus on high-level direction/management on many different things.

Motion by Dr. Goldstone: That we authorize the transmission of a home rule petition, version 2, to the state for consideration Second: Mr. Richardson

Public comment:
Marc Finneran, Grand Ave. – suggested writing in a guaranteed appeal process directly to the Board of Selectmen, the result being a reduction of your load by 80%

Chair Mascali said he had already requested that at the start of the discussion of this action. There was brief Board discussion about that idea. Town Counsel said that it is really about its being beyond the scope of the municipality's home rule authority to do so. She said she found it highly unlikely that the legislature would approve including an additional step into what is already a very complete appeals process, especially when no other community does that. She said it was her expert opinion that it would never pass muster.

Vote: Yes – 4 No – 1 (Chair Mascali)

<u>Discuss and consider a vote to accept a Municipal Digital Equity Implementation Grant Program in the amount of $84,954.04</u>
Mr. Renshaw reviewed the item for the Board, referring to *Item 7.i.* in the Select Board packet. In answer to Chair Mascali's question about who would review the RFPs, Mr. Renshaw said a couple of members of the MLB, Peter Clark, and Falmouth's finance director. He said the committee would make a recommendation to the Board. He said it was a one-time grant with no strings or local match. The selected non-profit will be able to continue the program going forward.

Motion by Mr., Richardson: To approve the acceptance of the Municipal Digital Equity Implementation Grant Program award in the amount of $84,954.04 as presented Second: Mr. Reed

Vote; Yes – 5 No – 0

MINUTES
Review and consider a vote to approve minutes of meetings: September 8, 2025 and September 29, 2025

Motion by Mr. Reed: To approve both Second: Mr. Brown
Vote: Yes – 4 No – 0 Abstain – 1 (Dr. Goldstone)

TOWN MANAGER'S SUPPLEMENTAL REPORT
Mr. Renshaw reported on the following:
- Had employee appreciation cookout on Oct. 3
- Hoping to launch Employee of the Quarter and Employee of the Year

SELECT BOARD REPORTS
Dr. Goldstone reported on the following:
- Attended the Energy Committee meeting last week – shared info about heat pump discount rates

Mr. Richardson reported on the following
- Met with Liz Liles from the Laurence School about the issue of property tax exemption to incentivize year-round renting
- Letters regarding the seasonal community designation regulations will be out to towns in Barnstable by end of November

Mr. Brown reported on the following:
- Waterways is considering doubling mooring fees over next 3 years
- Short-term rental advisory committee draft ready to be considered on Oct. 22 and then sent to Town Counsel's office

FUTURE AGENDA ITEMS

a.
- Discuss Seasonal Communities designation
- Discuss implementation of residential tax exemption program - Water Infrastructure Investment Fund (WIIF)
- Discuss correspondence and media inquiry policies
- DEIB/Immigration "Community Conversations"
- Discuss retail cannabis dispensary license
- Discuss Town-supported day care (Brewster model)
- LGBTQ+ Sanctuary Town
- Discuss walkability improvements
- Discuss rail to trail letter of support
- Discuss creation of a Civic Academy
- Hear an update and discuss results of the Downtown Parking Study
- Discuss creation of a Conservation Land Survey/Database
- Hear an update and discuss the Joint Base Cape Cod Master Planning Process

Dr. Goldstone added one item for future agendas: Conservation restrictions for lands abutting Long Pond

ADJOURN
Motion by Dr. Goldstone: To adjourn Second: Mr. Reed Vote: Yes – 5 No - 0

Respectfully submitted,
Carole Sutherland, Recording Secretary