TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, DECEMBER 15, 2025 – 6:00 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; Peter Johnson-Staub, Assistant Town Manger; Maura O'Keefe, Town Counsel

1. OPEN SESSION

Call to Order: By Chair Robert P. Mascali at 6:02 p.m.

2. EXECUTIVE SESSION

a. M.G.L. c.30A s.21(a)(3) – to discuss strategy with respect to collective bargaining – New England Police Benevolent Association, Local 61 (Police Sergeants)

Motion by Mr. Reed: To enter into Executive Session, per M.G.L. c. 30A sec. 21(a)(3).
Second: Mr. Richardson.
Roll Call Vote: Mascali – aye; Goldstone – aye; Brown – aye; Reed – aye; Richardson – aye; Yes – 5 No – 0

3. OPEN SESSION

The Board resumed Open Session at 6:30 p.m. It was noted that, during Executive Session, the Board agreed to a contract with the New England Police Benevolent Association, Local 61 (Police Sergeants).

Pledge of Allegiance: Led by Select Board

Proclamation - Falmouth Fund's 15-Year Anniversary: Mr. Mascali read the Proclamation into the record. Sharon Nunes, Chair of the Falmouth Fund, thanked the Board for this recognition.

Recognition: Mr. Reed recognized Chief Lourie for his work with the Jimmy Fund. Dr. Goldstone wished a Happy Hannukah to those who celebrate and recognized the lives lost at Bondi Beach, Australia. She also recognized the shooting at Brown University over the weekend. Mr. Mascali recognized the Falmouth Chamber of Commerce for its work on the Christmas Parade. He also recognized those involved in the dedication of a plaque for Harry Hill.

Announcements: Dr. Goldstone announced that there will be a community conversation event on January 22nd to discuss ICE and immigration issues in Town. On January 21st there will be a public meeting on the Beach Management Plan.

Public Comment:

John Honey, Seascape resident, stated that the Seascape Association is in favor of oyster farms but has a concern with the ones proposed nearby on the surface. These may attract sea birds, interfere with sailings around Megansett Harbor, or cause other threats to navigation. He requested a meeting with the associated parties on this item.

Cathi Valeriani, Precinct 8, thanked those that attended the Harry Hill dedication. She thanked the DPW and Parks Department for their help.

Dave Moriarty acknowledged the citizens of Falmouth who attended the last Planning Board meeting regarding the solar farm project.

4. CONSENT AGENDA

a. Licenses
   1) Consider approval of annual license renewals for 2026
   2) Consider approval of an application by Woods Hole Golf Club at 130 Quissett Avenue for a Change of Officers for its All Alcoholic Beverages Club License

b. Administrative Orders
   1) Consider the approval of the North Falmouth Woods Phase 2 Conservation Restriction
   2) Consider a vote to approve the request for a variance to Sign Code §184-25 Freestanding Signs from J & J Sign Company on behalf of the First Congregational Church of Falmouth at 68 Main Street to replace the existing sign at the rear of the property on Katharine Lee Bates Road

Motion by Dr. Goldstone: To approve the Consent Agenda as presented. Second: Mr. Reed.
Vote: Yes – 5 No – 0

5. PUBLIC HEARINGS

a. Tax Classification Hearing

Dr. Goldstone read and opened the hearing at 6:48pm.

Laura Sitrin, Director of Finance, presented the FY2026 Tax Rate Classification Hearing. The Board is being asked to adopt a Residential Factor to determine whether a single tax rate will be approved for all classes of property. A residential factor of 1, which is recommended by the Board of Assessors, means that the Town will adopt one tax rate for all classes of property (residential, commercial, industrial, personal property, open space). If the Board votes for a residential factor of 1, the tax rate will be $5.73 per thousand. The Board must also vote on whether to grant a small business exemption (MGL 59:51). The Board of Assessors does not recommend adopting a small business exemption. Also, the Board is asked to vote on whether the Town should offer an open space exemption (MGL 59:2A) or a residential exemption (MGL 59:5C). The Board of Assessors does not recommend adopting either exemption in the FY2026 year.

Dr. Goldstone noted that the Board continues to consider a residential tax exemption. The staffing and software needed for this is currently in the Board's FY27 budget for implementation in FY28. Mr. Richardson asked if it would be possible to implement this in FY27 instead. Ms. Sitrin stated that there should be at least 8 months of preparation and this is likely not possible for FY27.

Mr. Reed expressed concern with discussing and voting on items in piecemeal. With the Town Manager's assessment of the operating budget and the deficits that are forecasted in the out years, it would behoove the Board to consider a timely discussion of expenses, revenues, and taxes in a holistic way. Mr. Mascali noted that the Board will be considering holding additional meetings each month in the coming year in order to better handle such discussions. Mr. Johnson-Staub noted that this hearing is revenue neutral.

Cathi Valeriani, Precinct 8, expressed concern that there is currently a teacher who has taught for over 40 years in Town who has to leave her home due to the cost of rent. People who work for the Town are dedicated and there is concern regarding the cost to continue to live in Town.

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

Motion by Mr. Brown: To tax all classes of property at the same rate by adopting a factor of "1" and to reject the residential, commercial and open space exemption options, for FY26. Second: Dr. Goldstone.
Vote: Yes – 5 No – 0

6. BUSINESS

a. Update on the implementation of plastic reduction regulations - Scott McGann, Health Agent

Scott McGann, Health Agent, explained that the Board of Health adopted a regulation named "Single-Use Plastics Rules and Regulations for Food Establishments" on April 28, 2025, with a start date of September 1, 2025. Specifically, these regulations strive to reduce or eliminate the use of disposable plastic containers and utensils associated with prepared foods by food establishments in Falmouth. The regulation was distributed by the Health Division to all food establishments during the formation of the regulation and after its adoption. All waivers are submitted to the Health Division during the annual food establishment permit renewal period, which begins in October until December 15th of every calendar year. Most establishments have submitted waivers for products under the above allowances during this year's renewal period. Staff have been reviewing the requests for each establishment and approving/disapproving them on a case-by-case basis as outlined in the regulation. This has increased the time to review food permit applications considerably. There will be upcoming Board of Health meetings with variance requests. One establishment has received a variance so far. Compliance begins during the inspection process.

Dr. Goldstone asked about the ability to allow consumers to bring their own containers to certain stores when shopping. Mr. McGann stated that this is not allowed for potentially hazardous foods due to the Food Code.

b. Consider a vote to conditionally approve a conservation restriction for 0 Drift Road

Mr. Renshaw explained that The Compact of Cape Cod Conservation Trusts, Inc. seeks approval of a Conservation Restriction to be placed on property located at 0 Drift Road, Falmouth. Salt Pond Bird Sanctuaries, owner of 0 Drift Road, proposes to grant a Conservation Restriction to The Compact in perpetuity. The conservation values to be protected by this Conservation Restriction include open space, floodplain, wildlife habitat, public access, biodiversity, water quality, wetlands, and climate change resiliency. This parcel is one of many that are currently subject to ongoing litigation concerning the public's right of access to the roads connecting to Black Beach. It is for this reason that Town Counsel has, to date, refrained from granting approval of the Conservation Restriction. At Town Counsel's recommendation, Salt Pond Bird Sanctuaries, one of the Plaintiffs bringing suit against the Town in this matter, proposed that all parties to the litigation execute a stipulation to be filed with the Court that will preserve the status quo of any rights of the public to or over this parcel at 0 Drift Rd. The Stipulation states, in part, that the execution and registration of this Conservation Restriction "shall not affect, nor cause any prejudice to, any claim, defense, or right of any party in this litigation, all of which shall be determined by the Court." This Conservation Restriction has been reviewed and, with the above language included in the proposed stipulation to be submitted as part of the Black Beach litigation, has now been approved by Town Counsel.

Town Counsel O'Keefe explained that the executed stipulation has been fully approved by the judge and the recommendation is for the Board to approve it at this time.

Motion by Mr. Richardson: To approve and execute the Conservation Restriction for 0 Drift Road as presented. Second: Mr. Brown.
Vote: Yes – 5 No – 0

c. Report - Historical Commission

Chrisitan Valle, Chair of the Historical Commission, gave a report to the Board on the Commission's activities.

d. Report - Water Quality Management Committee

Steve Raffety, Chair of the Water Quality Management Committee, gave a report to the Board on the Commission's activities.

e. Youth Baseball Field Project Update

Peter McConarty, Director of Public Works, provided an update on the design and schedule for the reconstruction of the John Neill Youth Baseball Field Complex. The baseball complex was closed in January 2025 due to environmental concerns regarding the fields being built on top of the former landfill. Public Works, Arcadis Environmental, and Gale Associates have developed design plans for remediation of the substructure to bring the site into MassDEP Contingency Plan (MCP) compliance, and the full reconstruction of the recreation facilities.

Kyle Rowan, Gale Associates, reviewed the existing conditions plan. The proposal is to reconstruct the facility in-kind and improve its overall use. Also, to provide a suitable landfill cap to meet MassDEP requirements. Most of the site will be reconstructed to meet those goals. He reviewed the proposed site conditions. 90% design should be completed by the end of January. Construction should begin in April and continue through September. The earliest beneficial use for the field portion of the site will be Spring 2027.

Dr. Goldstone asked about accessible seating. Mr. Rowan explained that there will be limited accessible seating at field 2. Field 3 does not have any spectator seating at this time. Space will be reserved for future bleachers if desired.

Mr. Reed asked about the barrier for the site. Mr. Rowan explained that the proposed geotextile fabric barrier will be submitted to DEP for permitting.

Mr. Brown asked about a well for irrigation on the site. Mr. McConarty stated that this could be examined at a future date.

Dr. Goldstone asked about groundwater monitoring wells downstream from the site. Mr. McConarty stated that there are monitoring wells already installed and monitoring will continue per DEP.

f. Presentation and discussion of Affordable Housing Tax Exemption for Year-Round Rental Properties

Liz Klein, Falmouth Affordable Housing Committee, explained that the Commonwealth adopted legislation in the fall of 2023 which authorizes Towns to adopt a property tax exemption for affordable rental properties. The property exemption applies to owners who rent their units to income-qualifying persons at affordable rates on a year-round basis. The purpose of this exemption is to provide an incentive to owners of residential property to charge affordable rents and to rent on a year-round basis.

Mr. Richardson suggested a future agenda item to discuss a letter to the State regarding the Subsidized Housing Inventory (SHI) list.

Ms. Klein stated that the group reviewed registered long term rentals, data set of 170 properties, and found the average assessed value of those properties to be $775,000. Using the current property tax rate, this is an average tax burden of approximately $4,500 per unit. State legislation would allow the Town to authorize up-to a 100% exemption. This could allow for the creation of a unit of affordable rental housing at a cost of less than $5,000 per unit.

The request is to put the exemption on the April ballot. Approval would allow the Select Board to start working with Town staff to set certain parameters and identify the workflow. Members of the Affordable Housing Committee are prepared to offer some guidance along the way. The law identifies the parameters that are to be set by a municipality and allows for a fair amount of flexibility. This does not require any deed restricting or running a lottery because it is a voluntary exemption program. The municipality is allowed to set a maximum amount for the exemption, up-to 100%; the annual occupant household limit, up-to 200% of the area median income; an affordable rate of rent; domiciliary requirements of the owner; and any other restrictions the community feels are appropriate. An article on the April 2026 Town Meeting Warrant would authorize the Select Board to adopt this legislation and the Committee is be prepared to provide text for that Article. Hopefully Town Meeting will understand that this is a valuable opportunity for the community and vote to support the Warrant Article. The Town could then begin the process of identifying parameters which would require careful consultation with the Assessor's Office.

The benefits of an affordable housing tax exemption are that it is quick, cheap, it does not include issues associated with new development, and the structure to implement exemptions already exists.

Mr. Mascali stated that this seems to be a no-brainer and something the Board should think seriously about supporting. Mr. Richardson agreed that it is crucial to get this item on the April ballot.

Mr. Reed asked if there was any discussion of the shifting in the tax burden and how it was afforded. Ms. Klein stated that Orleans, Harwich, and Egremont are seeing so few applicants that they are not significantly shifting their tax burden. Over a 20-year history, Provincetown has had 60 applicants for this exemption. They take the shift from their overlay. Harwich provides a flat rate for the exemption based on the square footage of the unit, instead of a percentage.

Dr. Goldstone asked if this is enough of an incentive to sway people from their current rental behavior or if it is more likely safeguarding current affordable housing against rent escalation. Ms. Klein stated that she believes it has the potential to do both.

Mr. Johnson-Staub noted that this is not a tax shift; it is a revenue loss and should be looked at as an expenditure.

Laura Moynihan, Falmouth Housing Trust, urged the Board to support this initiative.

The Board agreed that it would like to see the language for the Warrant Article in order to continue its support of the proposal.

g. Consider a vote to approve preliminary design of the East Falmouth Library for submission to the Massachusetts Public Library Construction Program for the purpose of securing a grant for construction

Mr. Johnson-Staub stated that the Board is being asked to complete the grant process this evening by submitting the design. There will be an opportunity to make limited changes to the design during the design development phase after receiving construction funds, provided any changes meet the requirements of the grant program. If the Board does not submit the design for the project, the Town will not receive a grant for construction for at least five years.

Chris Simmler, Chair of the East Falmouth Building Advisory Committee, stated that some of the design of the building can still be addressed through the process, but the programming is set at this time. If this item is not moved forward this evening, the Town will have wasted approximately $100,000 and the Library building will not be addressed for some number of years.

Mr. Brown stated that he attended the first meeting for the Committee and asked that the existing architecture be respected. He believes most of the comments from that meeting echoed this sentiment and he does not see this reflected in the design.

Noel Murphy, Oudens Ello Architecture, stated that the design has been focused on the inner workings of the building. There will continue to be conversations regarding the outer building design over the next year to integrate comments. In terms of the large windows proposed, there are bird strike products which can be applied and there will be motorized shades to control light trespass.

Mr. Richardson stated that this is not a finalized design. If the Board does not move this forward, the Town will not get a new library. There is something wrong in the process if the Board is suddenly receiving multiple emails after 4pm the day of the meeting urging them to vote against the project. The public needs to have more buy-in during the process and get involved earlier.

Mr. Brown stated that Oudens Ello Architecture also did the West Tisbury Library project, but that maintained the integrity of the building design. He asked how much latitude there is if a modern design is submitted today. Mr. Murphy stated that there is still a lot of latitude as to the exterior look and feel of the building. The State will not weigh in on what the building looks like. The look of the West Tisbury Library can certainly be followed for this project. Mr. Brown stated that he would not like to sign off on a design that he does not support. Mr. Simmler stated that the request is for a vote for the programs and interior spaces.

Dr. Goldstone stated that more can always be done for community engagement. This team has been very responsive to input throughout the process. It is important to find ways to preserve the contributions and history of the library, while also giving East Falmouth a new library.

Jeanne Harper stated that she would be very disappointed if there was not 100% approval from the Board, as this would be akin to saying that the Board does not want an East Falmouth

Library. The existing building would likely not last through the time that another process would take.

Camille Romano, member of East Falmouth Building Advisory Committee, suggested against putting the word “traditional” into any motion regarding the proposed building. This does not necessarily reflect what the Town wants. The Committee can continue to work with the community and architects to integrate certain items into the design. Mr. Brown stated that it is a common architectural practice to respect the existing building.

Motion by Mr. Richardson: To vote to instruct the East Falmouth Building Advisory Committee to consider alternate designs and improve efforts to get community feedback in collaboration with the Select Board. Second: Mr. Brown.
Vote: Yes – 4 No – 1

Motion by Mr. Richardson: To vote to approve the recommended preliminary design. Second: Dr. Goldstone.
Vote: Yes – 5 No – 0

h. Discuss and consider a vote to approve an application to the Falmouth Affordable Housing Fund from 85 Brick Kiln, LLC for the project located at 85 Brick Kiln Road

Nick Mirrione, on behalf of 85 Brick Kiln, LLC, requested that the Select Board as Trustees of the Falmouth Affordable Housing Fund ("FAHF") approve of an application to the FAHF for funding in the amount of $2,250,000 for the construction of forty (40) rental units, of which fifteen (15) will be deed restricted beyond the ten (10) required by the 40B statute for a total of twenty-five (25) deed restricted rental units on the property located at 85 Brick Kiln Road. Per the 40B statute, ten (10) units are required to be deed restricted at no higher than 80% of the Area Median Income ("AMI"). The applicant has agreed if this funding is awarded, to deed restrict in perpetuity the following beyond the required 25%:

- Five (5) units to be restricted to those earning no more than 120% of the AMI
- Ten (10) units to be restricted to those earning no more than 80% of the AMI (the applicant will be applying for 5 Project Based Vouchers ("PBV") that would further restrict the five (5) units to 50% of the AMI. These PBVs are a 5-year contract. Upon the expiration of the 5 years, the applicant will either renew for an additional 5 years, or the units will revert to 80% of the AMI.

On April 4, 2025, the applicant filed an amended FAHF application increasing the request to $2,250,000 in order to offset the cost of including a denitrifying septic system in the project. The new amount is $150,000 per unit; the maximum allowed per unit as outlined in the Board of Trustees' Funding Allocation Guidelines. The prior request was for $128,000 per unit. The increased costs for the IA system require the additional funds being requested.

Motion by Mr. Richardson: That the Select Board, as Trustees of the Falmouth Affordable Housing Fund, award Two Million Two Hundred Fifty Thousand Dollars ($2,250,000) to be awarded as a loan secured by a mortgage and other documents on 85 Brick Kiln Road,

for the construction of forty (40) rental units, of those forty (40), to be deed restricted beyond the 25% required by the 40B statute are: five (5) units restricted to those earning no more than 120% of the area median income and ten (10) units restricted to those earning no more than 80% of the area median income and to authorize the Town Manager to execute the documentation setting forth the terms of the financial award for construction at 85 Brick Kiln Road. Second: Dr. Goldstone.
Vote: Yes – 5 No – 0

i. Discuss and consider a vote to transmit to the Finance Committee the recommended FY2027 Operating Budget

Ms. Sitrin reviewed items that have changed since the December 1st presentation of the budget to the Board.

Dr. Goldstone noted that the departments requested $2.68M in new staff or increased services which were not included in the proposed budget. She asked what was cut in order to balance the budget this year. Mr. Renshaw stated that the majority of the $2.6M was primarily staffing. Dr. Goldstone asked if the recent changes to the budget could allow for some of these items to be brought back in. Mr. Johnson-Staub stated that some of the items could be added back into the budget. The Town is still looking at an override for the next fiscal year to maintain existing service levels.

Mr. Richardson stated that finding ways to increase revenues without increasing the overall tax burden on year-round residents should be the number one priority of the Town.

Dr. Goldstone stated that an additional contribution to the Affordable Housing Fund is not an ongoing liability and could be a consideration in terms of particular revenues from new growth within the Town. There are funds that could be used to offset some of the impacts of new development. A $500,000 extra one-time contribution to the Affordable Housing Fund from the additional and unexpected new growth revenues could be an idea to consider.

Motion by Mr. Mascali: To transmit to the Finance Committee the recommended FY27 Operating Budget, as presented. Second: Mr. Brown.
Vote: Yes – 5 No – 0

j. Consider a vote to submit a letter to the Governor's Office in support of the Rail to Trail bicycle path project

Mr. Renshaw stated that the Select Board voted on October 27, 2025, to draft a letter of support for the Bourne Rail to Trail project, and to transmit the letter to the Governor's Office. He asked that the Board consider approving the draft letter with revisions.

Mr. Mascali stated that he supports the original draft in the packet but believes the redlined version will delay the project unnecessarily. Mr. Brown stated that the redlined version more accurately reflects the minutes from the meeting. Mr. Mascali stated that the project will not move forward with the revised letter. Mr. Richardson stated that the Board is interested in endorsing the project and a difference in the letter will not change the Governor's position.

Mr. Renshaw reviewed the proposed changes to the letter.

Mr. Reed stated that the revised letter addresses both obligations for recreation, and major infrastructure needs for Joint Base Cape Cod and getting cargo off Cape.

Dr. Goldstone stated that it is unclear if the Board will reach unanimity of this. She suggested taking both drafts under advisement in order to create a third draft that strengthens the initial draft, while softening the second. This could lead to the best reflection of the consensus of the Board. She would like to see a rail-to-trail project but not at the expense of rail infrastructure for the Upper Cape. Mr. Mascali agreed with the suggestion. Mr. Richardson stated that he was not willing to put this off for another month. Mr. Brown stated that he does not see a way to soften the letter without changing the Board's position.

Carl F. Cavossa Jr., owner of Cavossa Companies, stated that rail-to-trail is the biggest mistake this community could ever make. There is rail infrastructure that moves hundreds of thousands of tons of waste off Cape a year. Bourne has only allowed the Town use of its landfill for the next number of years. Private entities are not allowed access to it. This area has the highest tipping fee in the country, and it will increase if there is not the option to move things by rail. He urged that the rail option not be removed for a potential bike path. This is critical infrastructure and the biggest asset into the future. There are at least 25 other locations for the bike path.

Paul Silvia, Friends of the Falmouth Bikeway, stated that material can be trucked over the bridge, showing that there are other options than the rail.

Mr. Brown stated that a feasibility study with engineering is needed to show what could be practical. Mr. Mascali stated that he believes the intention is to move forward with the rail-to-trail project while also making sure there is proper rail on the Cape. The revised draft ties these items too closely together and could result in nothing.

Dr. Goldstone stated that the history of rail-to-trail projects shows that when rail is converted it does not come back. She is not comfortable separating the two or leaving the determination of rail infrastructure for the Upper Cape to a subsequent process. The two must be tied together in order to get a replacement strategy.

Mr. McConarty stated that it is unclear when the Cape Cod bridges will be built and a rail line would be an even more difficult project. The two items should be tied together.

Motion by Mr. Brown: To move forward with the relined letter as presented by the Town Manager. Second: Mr. Reed.
Vote: Yes – 4 No – 1

7. MINUTES

a. Review and consider a vote to approve minutes of meetings: October 27, 2025; and December 1, 2025

Motion by Mr. Richardson: To approve the meeting minutes of October 27, 2025; and December 1, 2025, as amended. Second: Mr. Brown.
Vote: Yes – 5 No – 0

8. TOWN MANAGER'S SUPPLEMENTAL REPORT:

- Mr. Renshaw stated that there will be a community forum regarding ICE and immigration on Thursday, January 22nd from 6PM-7:30 PM at the Senior Center.

9. SELECT BOARD REPORTS

- Mr. Richardson asked for a future agenda item regarding the conservation restriction on Long Pond.
- Mr. Reed suggested a discussion regarding Article 97 considerations on existing properties that could have a conservation restriction exchange.
- Mr. Brown asked about the Steamship Authority's request for access. Mr. Renshaw stated that the Engineering Department is reviewing this.
- Dr. Goldstone stated that she attended the Solid Waste Advisory Committee meeting last week and there are many ongoing initiatives. She also attended the Beach Committee meeting.

10. FUTURE AGENDA ITEMS

- Discuss Seasonal Communities designation
- Discuss placement of Conservation Restrictions on remaining Long Pond parcel
- Discuss correspondence and media inquiry policies
- Discuss retail cannabis dispensary license
- LGBTQ+ Sanctuary Town
- Discuss walkability improvements
- Discuss creation of a Conservation Land Survey/Database
- Hear an update and discuss the Joint Base Cape Cod Master Planning Process
- Discuss community forum on ICE/immigration issues
- Discuss current Town website functionality and potential redesign
- Discuss 10-year spend on consultant fees
- Debt forecast discussion with Finance Committee
- Discuss petitioning the State Legislature for changes to Chapter 40B law

11. ADJOURN

Motion by Mr. Richardson: To adjourn at 10:13pm. Second: Mr. Reed.
Vote: Yes – 5 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary