<u>TOWN OF FALMOUTH</u>
<u>SELECT BOARD</u>
AGENDA
MONDAY, FEBRUARY 9, 2026 – 5:30 P.M.
OLD SILVER/SURF DRIVE PROGRAM ROOM
SENIOR CENTER
780 MAIN STREET, 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; Douglas C. Brown; Jack Richardson; Colin W. Reed
Absent: Heather M. H. Goldstone, Vice Chair
Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manger; Maura O'Keefe, Town Counsel; Scott McGann, Health Agent
Present for the Board of Health: Kevin Kroeger, Chair; George Heufelder; Amy Roth; Dr. George Topulos; Jed Goldstone

1. OPEN SESSION

<u>Call to Order:</u> By Chair Robert P. Mascali at 5:30 p.m.
The Board of Health also called their meeting to order at 5:30 p.m.

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

2. JOINT MEETING - BOARD OF HEALTH AND SELECT BOARD

a. Discuss the equitable cost distribution of Water Quality Management Planning

Mr. Kroeger explained that there are quite a few factors involved and the Board of Health is suggesting setting up a committee specifically to address this issue and work through the concepts to develop a consensus plan.

Dr. Topulos stated that, over the next 10-20-ish years, Falmouth will be implementing water quality mitigation projects which the Commonwealth has mandated to restore the health of the embayments. The comprehensive set of costs related to these watershed plans will likely be more than $1B across the Town. This will include the cost of sewers, waste treatment, an outflow pipe and its installation, and the maintenance and monitoring of 5,000-8000+ denitrifying IA septic systems. The State mandates these items and they will benefit the entire Town and all the people who live here. However, as is currently apportioned, the cost to individual taxpayers will vary enormously depending on whether they connect to a sewer, install an IA septic system, or do nothing. Last December, the Board of Health and the Water Quality Management Committee, wrote to the Select Board encouraging them to form a committee to identify fair ways to distribute the cost and, if possible, ease the financial burden. This will be a difficult task. There is no fair system which everyone will agree on. There will be large variations in the financial burden amongst different property owners. If this is seen an issue, it is likely to reduce support for the entire project. Although, if the watershed plans are not implemented, everyone will have to install an IA system. This discussion will also help the Town develop a long-term capital budget. The system needs to be fairly distributed amongst taxpayers.

Mr. Heufelder stated that this all comes down to equity amongst taxpayers. Some costs are yet unknown.

Mr. Goldstone noted that there are types of funding from the State, but this is generally insufficient. The Select Board should discuss these unfunded mandates with State representatives.

Ms. Roth stated that impacts may be significant for some in Town and those in Town leadership should make sure this is being done as equitably as possible.

Mr. Brown stated that during the Water Quality Management Committee meetings there was discussion regarding the Town taking more of a leadership role in identifying the best available IA technology and alternative septic systems and potentially purchasing and delivering those units to owners. Another idea would be a program like Mass Tech is considering, to develop a monitoring program which takes the burden off the owner. He would support both of those ideas. The Town could also use a 70/30 split, as it does with sewer properties. The Town could also allow the owners to choose their own technologies.

Mr. Richardson agreed that this is a very expensive mandate which should be discussed more with the Commonwealth.

Mr. Mascali stated that there should be a discussion with the State delegation as part of this. He asked what other towns are doing. Mr. Johnson-Staub stated that there seems to be a mix of ways that towns are choosing to handle this. Mr. Mascali suggested a regional approach.

Mr. Kroeger stated that a 70/30 split for IA systems may be an equitable approach.

Mr. Brown suggested a standing committee instead of a working group, as this is a large issue with financial implications.

b. Discuss Short-Term Rental regulation/bylaw

Mr. Heufelder stated that the Board of Health was looking for the Select Board to commit to including a Health Inspector position as part of this discussion. Without an inspection, the Town is opened up to liability. Mr. Brown explained that some type of inspection is expected as part of the process, though the implementation of the program has not yet been determined. Mr. Mascali asked if there is existing staff in order to consider inspections. Mr. McGann stated that the bylaws currently look at the process more through the lens of registration. There is not currently a dedicated Health Inspector to work on this process and at least one would be needed.

Mr. Mascali noted that he previously expressed concern regarding the Board of Health's ability to issue rules and regulations under the bylaw. He asked that the provision be amended so that any rules and regulations adopted be subject to the approval of the Select Board.

c. Discuss allocation of resources from the embarkation fund to address concerns regarding public health and environmental concerns in Woods Hole

Mr. Kroeger stated that the Board of Health concurs that there is a health issue with the substantial amount of traffic associated with the ferries. A report was commissioned by the State years ago showing an expected 2% increase in that traffic each year. One suggested solution included a freight ferry out of New Bedford. An officer at the ferry terminal was suggested and appears to be occurring. Mr. Renshaw noted that the FY27 budget includes added funds for that position.

Mr. Johnson-Staub stated that approximately $400,000-$500,000 per year is placed into the Embarkation Fund for public safety work. There is an opportunity to allocate some additional funds from this Fund.

Mr. Richardson suggested a letter to the New Bedford delegation and other associated parties to try to create collaboration.

Mr. Brown stated that freight traffic may be up 6%-7%. He would like to see monitoring on the Steamship Authority property.

Mr. Goldstone noted that there have been significant health considerations in terms of air pollution coming from trucks and the ferries themselves. The ferries may be violating pollution standards, and this is difficult to detect. The Town could invest resources in more professional assessments.

d. Discuss flow neutral bylaw approvals

Mr. Heufelder stated that the Board of Health has to make a judgement as to whether a system could be placed at the property making the request without significant variances. However, often when the Board of Health recommends this as not appropriate, they find out later that the Select Board passed it. This seems to be flow positive, not flow neutral. He asked the intent of the bylaw.

Amy Lowell, Wastewater Superintendent, explained that the State requires the Town to have a flow neutral bylaw in order to obtain 0% interest SRF loans. Part of the reasoning for it is for the Town to have some control over flow to make sure that it is not overwhelmed within a planning area. When the bylaw was passed, the Town was focused on new sewer service areas under discussion at the time. However, it applies to all existing and future sewer areas. There are updates to consider in the future.

Mr. Brown agreed that the bylaw should be updated. In some areas, the bylaw does not work and should be further considered.

The Board of Health meeting was paused to move to a different room. The joint meeting concluded.

3. REGULAR MEETING

Recognition: None at this time.

Announcements: Mr. Johnson-Staub announced that there will be a community forum on the proposed Police Station site plan on February 25th at 7pm at the Senior Center.

Public Comment:

Ed Hughes, Precinct 6 Town Meeting Member, read comments on behalf of constituent Tammy Gilbert regarding the land at 0 West Falmouth Highway. A detailed response has been submitted to the Town Manager, Town Counsel and Select Board explaining the disagreement that the land may be freely conveyed and why the land is Article 97 protected. The request is for the Select Board and Town Manager to pause any steps toward development and reconsider the Town's position at this time.

4. CONSENT AGENDA

a. Licenses

1) Consider a vote to approve the application by Historic Highfield, Inc. for a series of three (3) Special One-Day Wine & Malt Beverages Licenses on February 22nd, March 15th, and April 26th, 2026, from 4:00 pm to 6:00 pm.
2) Consider a vote to approve an application for a Special One-Day All Alcohol Liquor License – ASICS Falmouth Road Race, Inc. - Falmouth Road Race - VIP Finish Line Viewing Tent, Falmouth Heights - Sunday, August 16, 2026 from 8:00 a.m. - 11:00 a.m.
3) Consider a vote to approve an application for a Special One-Day Wine and Malt Liquor License - Gray Matter Marketing - Cape Cod Brew Fest - Cape Cod Fairgrounds, 1220 Nathan Ellis Hwy. - Saturday, September 19, 2026 from 2:00 p.m. - 5:30 p.m.

b. Administrative Orders

1) Consider a vote to approve the petition of NSTAR Electric Company d/b/a Eversource Energy for permission to install 1 new FO pole labeled 1269/1 with an anchor approximately 32' (feet) from existing pole 9125/7. This work is necessary to provide electric service to Brick Kiln Road for the Falmouth Wastewater Department.
2) Consider the approval of a Grant of Easement to NSTAR Electric Company (Eversource Energy) at 100 Brick Kiln Road
3) Consider the approval of a Grant of Easement to Boston Gas Company (National Grid) at 100 Brick Kiln Road
4) Consider a vote to opt in to Early Voting in Person for the May 19th Annual Town Election

5) Consider a vote to approve a request from the Falmouth Running Club for a variance to Sign Code §184-32: Off-Premises Signs to hang Cape Cod Marathon flags on light poles on Main Street from 9/11/26 to 10/13/26

This item was held for further discussion.

Motion by Mr. Richardson: To approve the Consent Agenda, aside from Administrative Order Item #5, as presented. Second: Mr. Reed.
Vote: Yes – 4 No – 0

b. Administrative Orders

5) Consider a vote to approve a request from the Falmouth Running Club for a variance to Sign Code §184-32: Off-Premises Signs to hang Cape Cod Marathon flags on light poles on Main Street from 9/11/26 to 10/13/26

Mr. Brown asked that the flags be designed in a way that they can be mounted 7' or higher above the walking area. Mr. Renshaw stated that there is a section in the regulations which speaks to installation at a minimum height of 7'.

Motion by Mr. Brown: To approve Administrative Order Item #5, as presented. Second: Mr. Richardson.
Vote: Yes – 4 No – 0

5. COMMITTEE INTERVIEWS

a. Joint Meeting – Falmouth Housing Authority Board of Commissioners and Select Board – Interview and consider a vote to appoint a member to the Falmouth Housing Authority Board of Commissioners

1) Falmouth Housing Authority - Hannah Vanderscheuren

There was a joint meeting of the Falmouth Housing Authority Board of Commissioners and Select Board to interview a potential member to the Falmouth Housing Authority Board of Commissioner. There are currently four active members of the Falmouth Housing Authority. The groups heard a presentation from Hannah Vanderscheuren.

Motion by Mr. Reed: To appoint Hannah Vanderscheuren to the Falmouth Housing Authority Board of Commissioners to fill an unexpired term until the next Annual Town Election on May 19, 2026. Second: Mr. Richardson.
Vote: Yes – 4 No – 0

b. Interview and consider a vote to appoint committee members:

1) Conservation Commission - Ronald Bowman

The Board interviewed Ronald Bowman.

Motion by Mr. Richardson: To appoint applicant Ronald Bowman to fill a full member vacancy on the Conservation Commission with an unexpired term ending June 30, 2027. Second: Mr. Brown.

Vote: Yes – 4 No – 0

2) Conservation Commission: Dan Walsh

The Board interviewed Dan Walsh.

Motion by Mr. Brown: To appoint Dan Walsh to a full member position on the Conservation Commission with a term ending June 30, 2028. Second: Mr. Reed.
Vote: Yes – 4 No – 0

3) Energy Committee - Olwen Huxley

The Board interviewed Olwen Huxley.

Motion by Mr. Richardson: To appoint Olwen Huxley to the Energy Committee to fill an unexpired term that expires June 30, 2026. Second: Mr. Reed.
Vote: Yes – 4 No – 0

6. PUBLIC HEARINGS

a. Wetland/Dock Hearing - Micael and Marnie Farrell - to construct a fixed pier that will extend approximately 61 feet seaward of mean high water into Eel Pond, located at 202 Edgewater Drive East, East Falmouth

The Board opened the public hearing at 6:56 p.m.

Mike Borselli, Falmouth Engineering, explained that the request is to create a private, recreational dock at the property which fronts on Eel Pond. A survey was completed and there is adequate water depth. The application was reviewed by the Conservation Commission and Harbor Master. The Conservation Commission issued an Order of Conditions for the project. The proposed dock is a 4' wide fixed pier, pile supported, with 10" diameter timber pilings spaced approximately 16'-17' on center. There is no ramp or float associated with this proposal. The density threshold was not exceeded during a shellfish survey. There is an existing stonewall at the frontage and the dock will start at the top and transition down. There is a band of salt marsh at the shoreline and there will be a minimum of 6' of separation between the two. Public access will be available under one section of the dock. The overall dock length from mean high water is 61'. The overall percentage of dock crossing of the water body is approximately 18%. There will be no impacts to navigation.

Motion by Mr. Mascali: To close the public hearing. Second: Mr. Richardson.
Vote: Yes – 4 No – 0

Motion by Mr. Brown: To approve the application from Michael and Marnie Farrell for permission to construct a fixed pier that will extend approximately 61 feet seaward of mean high water into Eel Pond, located at 202 Edgewater Drive East, East Falmouth. Second: Mr. Richardson.
Vote: Yes – 4 No – 0

b. Discuss and consider a vote to approve an application for a One-Day Entertainment License - Rise & Shine Productions LLC - Coast Fest, Lin Whitehead Band Shell at Marina Park, 180 Scranton Ave. - Saturday, August 1, 2026, 3:00 p.m. - 10:00 p.m.

The Board opened the public hearing at 7:04 p.m.

Luke Vose, Rise & Shine Productions, LLC, explained that this local event has been held since 2019. A portion of the proceeds go to local charities. There was a request made to end the event at 9 p.m. this year, which does not work economically, and he is appealing the requested change.

Mr. Richardson expressed support to keep the end time at 10 p.m. It is important to protect the event and support it.

Mr. Mascali asked why the reduced end time would not be appropriate. Mr. Vose explained that, in terms of the production show, this cannot be seen as well until it is dark. Many people attend the event later in the evening and so ticket and concession sales in the last hour are important. Mr. Mascali noted that there were some police logs of noise complaints submitted to the Board. The request is to minimize those complaints as much as possible.

Rick Maple, 174 Queen Street, stated that the bandshell is 150' away from his house. Due to the extreme sound levels generated by the band, exceeding 80 decibels, crowd noise, traffic noise, and the length of the event, he asked that licensing for this event be denied. He has expressed his concerns for over a year. The noise levels are so extreme that he is unable to host friends and family at his home during summer Saturdays. He has had to cancel multiple milestone family celebrations due to these weekly events. He asked if the Board feels that these decibel levels are acceptable in residential areas. He asked if the Board feels that rock music being played for eight hours at loud levels is acceptable in residential areas. He asked if the Board feels that amplified music being played until 10 p.m. is acceptable in residential areas. He presented a recording from last year's event.

Mr. Mascali noted that Mr. Maple seemed to conflate this individual application with other events at the bandshell throughout the summer. This application is for a one night event.

Joe Sedlock, Manager of the Admiralty Apartments and representing 67 residents, noted that the bandshell has been in place since the 1960s. Music has been played there since that time. Holding events at this spot is part of Falmouth's culture. He commended Coast Fest for their coordination, crowd control, and site cleanup. He encouraged use of the space.

Mr. Goldstone, 43 Grasmere Drive, stated that he has been attending Coast Fest since it began. This event has been a highlight of his and his friends' summers. This public event space is likely not utilized as much as it could be and this one night event is a perfect use.

Chief Lourie stated that he likes how Falmouth embraces special events, such as this. A couple of noise complaints were received. The site is left cleaner after the event is over. This is a one night event, and he supports the request for it to be until 10 p.m. He has empathy for those who live nearby and are bothered by the noise, but he believes this event is good for the community overall.

Molly Keefe stated that she and her friends look forward to this event each year. This event is unique to Falmouth and important to teenagers.

Mr. Maple noted that the apartments which were spoken about are 300 yards away from the bandshell, while his house is 150' from the bandshell.

Melissa Keefe stated that during COVID people were begging for live outdoor music and Coast Fest has continued to fill that void. This is a community event. It is hard to keep live music going and engage younger people in Town. This event brings together many generations. She apologized to Mr. Maple for his distress over the event.

Lillian Kazanis stated that there is a lot to balance when considering community events. Losing an hour of this event would have serious financial implications and could threaten the event. There is a lot that can be done to control speakers and noise.

Motion by Mr. Richardson: To close the public hearing. Second: Mr. Reed.
Vote: Yes – 4 No – 0

Mr. Brown asked Mr. Vose to consider ways to lower the noise for the event. It seems louder than need be. These events are important economic drivers.

Motion by Mr. Richardson: To approve the application for a One-Day Entertainment License - Rise & Shine Productions LLC - Coast Fest, Lin Whitehead Band Shell at Marina Park, 180 Scranton Ave. - Saturday, August 1, 2026, 3:00 p.m. - 10:00 p.m. as presented. Second: Mr. Reed.
Vote: Yes – 4 No – 0

c. Discuss and consider a vote to approve an application for One-Day Entertainment Licenses - New England Festivals, Inc. - Harbor Light Illumination, Lin Whitehead Band Shell at Marina Park, 180 Scranton Ave. - Saturdays, July 4, 11, 18 and August 8, 15, 22, 2026 from 5:00 p.m. - 9:30 p.m.

The Board opened the public hearing at 7:30 p.m.

Lillian Kazanis stated that this will be the sixth season for this event series. There are no changes proposed. As a courtesy she has cut the event off at 9 p.m. but is requesting a half hour buffer, in case the bands go over by a small amount of time. She asked about the process moving forward in order to find a balance between the needs of an event and complaints. This is a free event, donation only, to support local artisans and artists.

Joe Sedlock, Manager of the Admiralty Apartments, stated that his residents have been excited to see the growth of this event. The area is kept clean. Events are what the bandshell was built for.

Melinda Peterson stated that she likes seeing the bandshell being utilized as she believes it was intended to be. This event represents an important need in the community. This is an inclusive Town event, as it is donation based. Wholesome, family friendly opportunities need to be supported.

Motion by Mr. Richardson: To close the public hearing. Second: Mr. Brown.
Vote: Yes – 4 No – 0

Mr. Reed noted that the bandshell was built in 1972 and is a community resource. Many places in Town close by 8pm-9pm and a few spikes of fun and events are important. Small businesses are supported in Town, but the homegrown music scene should also be supported.

Motion by Mr. Reed: To approve the application for One-Day Entertainment Licenses - New England Festivals, Inc. - Harbor Light Illumination, Lin Whitehead Band Shell at Marina Park, 180 Scranton Ave. - Saturdays, July 4, 11, 18 and August 8, 15, 22, 2026 from 5:00 p.m.- 9:30 p.m. as presented. Second: Mr. Richardson.
Vote: Yes – 4 No – 0

Mr. Richardson requested a future agenda item regarding potential cultural overlay districts in Town and how these may interact with the entertainment regulations.

7. BUSINESS

a. 7:40 pm. - Joint Base Cape Cod (JBCC) Joint Oversight Group (Base Commanders) Brief (20 minutes)

The Board heard a report from the Joint Base Cape Cod (JBCC) Joint Oversight Group. Colonel Matthew Porter explained that there are ongoing base-wide master planning efforts. Colonel Alex McDonough briefed the Board on a number of activities over the last year. Colonel Andrew St. Jean reviewed the 102d Intelligence Wing mission and priorities. Lt. Col. Brian Becker reviewed the Space Force base activities. Capt. Roger Masson reviewed Coast Guard Base and its activities.

There was discussion with respect to the housing situation on the base. This is part of the current master planning efforts. Stakeholders will be reached out to in the spring regarding potential options.

b. 8:00 PM - Consider a vote to approve an application for a Special One-Day Wine and Malt Liquor License - Rise & Shine Productions LLC - Coast Fest, Lin Whitehead Band Shell, Marina Park, 180 Scranton Ave., Saturday, August 1, 2026 from 3:00 p.m. - 10:00 p.m. (5 minutes)

There were no Board questions or comments at this time.

Motion by Mr. Reed: To approve the application for a Special One-Day Wine and Malt Liquor License from Rise & Shine Productions LLC for Coast Fest to be held at the Band

Shell, Marina Park, 180 Scranton Ave. on Saturday, August 1, 2026 from 3:00 p.m. to 10:00 p.m. Second: Mr. Brown.
Vote: Yes – 3 No – 0 Abstain – 1 (Mr. Richardson was out of the room)

c. 8:05 PM - Consider a vote to approve an application for six, Special One-Day All Alcohol Liquor Licenses - New England Festivals, Inc. - Harbor Light Illumination concert series and night market - Lin Whitehead Bandshell at Marina Park, 180 Scranton Ave. - Saturdays, July 4, 11, 18 and August 8, 15, 22, 2026 from 5:00 p.m. - 9:30 p.m.

There were no Board questions or comments at this time.

Motion by Mr. Reed: To approve the application submitted by New England Festivals, Inc. for six, Special One-Day All Alcohol Liquor Licenses for Harbor Light Illumination Concert Series and Night Market to be held at Marina Park on Saturdays, 7/4; 7/11; 7/18; 8/8; 8/15 and 8/22, 2026 from 5:00 p.m. to 9:30 p.m. Second: Mr. Brown.
Vote: Yes – 3 No – 0 Abstain – 1 (Mr. Richardson was out of the room)

d. 8:10 PM - Discuss and consider the approval of the submission of a Community Compact IT Grant in the amount of $200,000 for the scanning of records for several Town Departments (10 minutes)

Jed Cornock, Town Planner, explained that this $165,000 grant funding application (with a $41,250 local match) will allow the Town to contract with a document scanning firm to preserve critical documents, improve operational efficiency, and ensure long term accessibility of organizational records for five (5) Town departments (Accounting, Assessing, Community Development, Human Resources, and Veteran's). This investment will strengthen the capacity to serve clients, meet compliance requirements, and safeguard historical and administrative information. The local match is not required but recommended as a way to make the application as strong as possible. There will be 18 months to spend the funds, if awarded.

Motion by Mr. Reed: To approve the submission of a Community Compact IT Grant in the amount of up to $200,000 for the scanning of records for several Town Departments. Second: Mr. Brown.
Vote: Yes – 4 No – 0

h. 9:05 PM - Discuss and consider a vote to authorize the Town Manager to issue a Notice of Award for Land Development to Falmouth Housing Trust to develop the land located at 21 Pheasant Lane for affordable housing (15 minutes) – *This item was moved up in the agenda at this time*

Kim Fish, Housing Coordinator, explained that on November 5, 2025, a Request For Proposal (RFP) was issued for the disposition of Town-owned land for affordable housing on the land located at 21 Pheasant Lane. The proposals were due and opened on January 13, 2026. One (1) proposal was received for each RFP. On January 22, 2026, the Town Owned Land for Affordable Housing RFP Review Committee (Review Committee) met to discuss the proposal.

The proposal was submitted by Falmouth Housing Trust (FHT).The Review Committee issued a memo to the Town Manager on January 28, 2026, recommending FHT be awarded the land for development.

The request is for the Town Manager to be given authorization to issue a Notice of Award for Land Development to Falmouth Housing Trust to develop the land located at 21 Pheasant Lane and 20 Brigantine Drive for affordable housing.

Motion by Mr. Mascali: To authorize the Town manager to issue a Notice of Award for Land Development to Falmouth Housing Trust to develop the land located at 21 Pheasant Lane for affordable housing. Second: Mr. Richardson.
Vote: Yes – 4 No – 0

i. 9:20 PM - Discuss and consider a vote to authorize the Town Manager to issue a Notice of Award for Land Development to Falmouth Housing Trust to develop the land located at 20 Brigantine Drive for affordable housing (10 minutes) – *This item was moved up in the agenda at this time*

This item was addressed concurrently as part of the previous agenda item.

Motion by Mr. Macali: To authorize the Town Manager to issue a Notice of Award for Land Development to Falmouth Housing Trust to develop the land located at 20 Brigantine Drive for affordable housing as presented. Second: Mr. Brown.
Vote: Yes – 4 No – 0

e. 8:20 PM - Vote articles and execute warrant for April 2026 Annual Town Meeting (20 minutes)

Mr. Renshaw explained that the Board previously reviewed the 35 Warrant Articles. He suggested additional discussion regarding Article 15: Affordable Rental Housing Property Tax Exemption; Article 17: Operation of Short-term Rentals Warrant and Article; and Article 23: Select Board to Transfer Care and Custody of 484 Brick Kiln Road to Conservation Commission.

Mr. Mascali stated that there was previously consensus regarding support for Article 15 and no additional discussion was needed.

Mr. Brown reviewed information from the Short-Term Rental Working Group and concerns that have been broached regarding Article 17. Town Counsel O'Keefe reviewed a suggested definition to be included in the bylaw regarding timeshare, fractional, and interval-only units.

The Board reviewed amendments to Article 17. Mr. Mascali noted an amendment to paragraph 4E, in the list of minimum license application requirements. All applications for license shall include at a minimum the following information, including one requirement that the applicant produced a certificate of liability insurance in an amount not less than $1M, as provided for in State law. That's correct. A second amendment would be to paragraph 13, that the Board of

Health or its designee is authorized to implement this bylaw. The Board of Health is authorized to promulgate written rules, regulations, policies, and procedures for the administration and enforcement of short-term rental licenses and to affect the purpose of this bylaw subject to approval by the Select Board.

Town Counsel O'Keefe stated that the Committee voted on the second amendment subject to her review. Her position has not changed that she does not believe it is appropriate for one regulatory board to approve the regulations promulgated by a separate regulatory board. Mr. Mascali stated the Board is given the authority to place any restrictions on this it wants. He would have appreciated hearing Town Counsel's opinion prior to this meeting. He did not hear objections on this proposal from the Board of Health when he presented it earlier.

Town Counsel O'Keefe stated that she believes this is an unusual precedent. She is not aware of another instance where the Select Board approves another board's regulations. This creates excessive administrative burden and calls back some of the authority of another board to the Select Board. Mr. Mascali stated that the Select Board in Nantucket retained such authority rights. Town Counsel O'Keefe stated that she does not believe this has yet been approved by the Attorney General's Office. Mr. Mascali stated that it has not been disapproved either.

Mr. Richardson asked if Short-Term Rental Advisory Committee were supportive of the Chair's amendments. Mr. Brown stated that they were. Mr. Richardson stated that he was then supportive.

Mr. Goldstone stated that the Board of Health included a discussion of the short-term bylaw as a future discussion item. The Board of Health did not necessarily agree or disagree with any statements made about the bylaw that were raised this evening. The Board of Health has not seen a copy of the proposed short-term bylaw. The group has not fully explored the legal framework for regulating the bylaw. This bylaw discussion has not been on their agenda. Town Counsel O'Keefe asked if this is in part due to the fact that the Board of Health refused to send a member to be part of the Short-Term Rental Committee.

Motion by Mr. Richardson: To support the amendments to Article 17 as presented.
Second: Mr. Mascali.
Vote: Yes – 4 No – 0

The Board discussed Article 23. Mr. Johnson-Staub suggested taking time to consider which parcels may be taken out of Article 97 in exchange for this swap. There has not been time to conduct this analysis since the last Board meeting. Mr. Brown suggested taking the time to consider this further. Mr. Reed stated that he believes Article 23 should move forward as worded. Mr. Richardson and Mr. Mascali agreed. There are too many questions regarding potential swaps, and the Board should focus on protecting as much land as possible within the confines of the roads along Long Pond. Mr. Brown stated that he would be in support of it at a future Town Meeting because he believes it would be a mistake not to find a swap.

f. 8:40 PM - Discuss and consider a vote to approve a request for the waiver of building permit fees for the new YMCA facility in the amount of approximately $169,654 (20 minutes)

Mr. Renshaw explained that the current request is for a waiver of the building permit fees only. Sub-trade waivers may be requested in the future. He recommended that the Select Board consider the waiver of all building permit fees associated with the project, currently estimated to be valued at approximately $169,654 with the understanding that there will be no future waivers associated with any sub-trades granted.

Stacie Peugh, President & CEO YMCA Cape Cod, stated that the request is to make an investment in the strength and safety of the community together. The YMCA is a beacon of hope for the community. The Town’s support will send a powerful message that it believes in prevention, opportunity, and people. The YMCA will stand as a shared asset for the Town. This request is a partnership with the Town.

The Board expressed support for the waiver, as presented. Mr. Mascali read a statement from Dr. Goldstone supporting the fee waiver.

Motion by Mr. Richardson: To waive all building permit fees, estimated at $169,654.
Second: Mr. Brown.
Vote: Yes – 4 No – 0

g. 9:00 PM - Consider a request from the Falmouth Classic Car Club for a waiver of the Special Event Permit Fee for its Classic Car Shows on 6/14, 7/12, 8/9 and 9/13/2026 (5 minutes)

There was discussion regarding the proposed requested waiver of the fee. Mr. Renshaw explained that there is a formula for calculating the waiver fee. The Board can choose to either waive $500 for the calculated portion of the fee, or the full amount.

Mr. Richardson agreed with waiving the full amount but noted that there is a policy in place for a reason and the Board should consider that.

Mr. Mascali asked that the applicant supply a report to the Board with respect to the amount of donations made from this event.

Motion by Mr. Richardson: To approve the request from the Falmouth Classic Car Club to waive the Special Event Permit Fee of $800 for the Falmouth Classic Car Shows at Marina Park on Sundays, June 14; July 12; August 9 and September 13, 2026. Second: Mr. Reed.
Vote: Yes – 4 No – 0

j. 9:30 PM - Discuss future Select Board action on immigration enforcement, such as community forums and revision of the June 30, 2025 position statement (15 minutes)

Mr. Mascali read a letter from Dr. Goldstone into the record requesting that the Town send a letter to its congressional delegation this week urging them to insist on a uniform code of conduct for ICE and CBP. Mr. Richardson agreed with the deadline proposed by Dr. Goldstone. He stated that he would like information from Congressman Keating regarding if he still feels that praise for ICE, as previously expressed, is appropriate.

Mr. Mascali noted that each Board member can individually write to Congress. With respect to the Open Meeting Law process, he expressed concern with agreeing on the content of a joint letter in order to meet the February 13th deadline. Mr. Richardson stated that he would like a joint letter that speaks specifically to the funding of DHS.

Mr. Brown suggested amending the language in the Board's statement from June. Mr. Mascali agreed but noted that this should be done within the proper process. If the Board would like to address a letter, it can review a draft at a future meeting.

Jim Newman stated that Indivisible Falmouth and the Falmouth Immigrant Rights Coalition feel strongly that the Board should say something to the congressional delegation regarding minimizing funding for ICE and bringing them to basic guidelines and common decency.

Deborah Kattler suggested that, in addition to forums and trainings, she would encourage the Select Board to consider concrete policies that the Town can put in place.

8. TOWN MANAGER'S SUPPLEMENTAL REPORT:

- Mr. Renshaw noted that staff has been working on an employee recognition program. There have already been 4-5 applications for nominations received.

9. SELECT BOARD REPORTS

- Mr. Brown stated that he attended the regional transportation group meeting. Falmouth has the Route 28 improvement project on the books, and he would like a future agenda item regarding other potential project ideas.
- Mr. Richardson stated that Senator Fernandes will be holding the next bridge forum in Falmouth on Monday, March 2nd.

10. FUTURE AGENDA ITEMS

- Mr. Reed suggested future agenda items regarding an update of the Community Service Campus Master Plan project, and the need for a larger Falmouth owned facility master plan project. These two items should be considered concurrently. Also, he would like to consider adding one meeting a month for strategic and financial planning sessions. Mr. Mascali agreed with this proposal.
- Mr. Brown suggested future agenda items being placed in a potential discussion order.

Discuss correspondence and media inquiry policies
• Discuss retail cannabis dispensary license
• LGBTQ+ Sanctuary Town
• Discuss walkability improvements
• Hear an update and discuss the Joint Base Cape Cod Master Planning Process
• Discuss current Town website functionality and potential redesign

- Discuss 10-year spending on consultant fees
- Debt forecast discussion with Finance Committee
- Discuss petitioning the State Legislature for changes to Chapter 40B law
- Update from Municipal Light Board on Internet Service Provider discussions
- Discuss the need for a municipal building inventory and review of current/planned uses
- Discuss the adoption of an Artificial Intelligence (AI) Use Policy

11. ADJOURN

Motion by Mr. Richardson: To adjourn at 9:30pm. Second: Mr. Reed.
Vote: Yes – 4 No - 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary