

TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, MARCH 9, 2026 – 6:00 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; Heather M. H. Goldstone, Vice Chair; Douglas C. Brown; Colin W. Reed; Jack Richardson

Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O’Keefe, Town Counsel

1. OPEN SESSION

The Board was called into Open Session at 6:00 P.M.

2. EXECUTIVE SESSION

- a. M.G.L. c. 30A s. 21(a)(3) - to discuss strategy with respect to threatened litigation
- b. M.G.L. c. 30A sec. 21(a)(6) - To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

Motion by Mr. Mascali: To enter into Executive Session per M.G.L. c. 30A s. 21(a)(3) to discuss strategy with respect to threatened litigation and M.G.L. c. 30A sec. 21(a)(6) – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Second: Mr. Brown

Roll Call Vote: Richardson – aye; Brown– aye; Mascali - aye; Goldstone – aye; Yes – 4 No – 0

3. OPEN SESSION

Call to Order: By Chair Robert P. Mascali at 6:40 p.m.

Pledge of Allegiance: Led by Select Board

Recognition: Mr. Mascali recognized the Barnstable County Sheriff and the Sheriffs of Norfolk and Berkshire Counties for their help to the Town during the recent snowstorm.

Announcements: Mr. Mascali announced that the Waterways Committee has posted its draft updated mooring regulations, available on their website. Also, the Board received word from Representative Vieira that three of the four Home Rule Petitions from the Town have been approved by the Joint Committees on Municipalities to move forward for further action.

Mr. Brown stated that the Short-Term Rental Advisory Committee will meet Wednesday at 6 P.M. in the Select Board meeting room prior to Town Meeting.

Town Manager's Report:

Mr. Renshaw stated that the recovery from the winter storm was challenging. There will be an after action review with all departments, Eversource, and National Grid this Thursday afternoon. This is an important process for planning and preparation for the next event. The after action review report will be presented to the Select Board once completed. Last week, he was given a draft copy of the Joint Base Cape Cod report and one of the themes was emergency generators. There are similar challenges for many jurisdictions on the Cape. The Town's Capital Improvement Plan is already in excess of \$100M, but the Town needs to start planning for the replacement of some of its emergency generators which have passed their useful life.

Mr. Renshaw explained that after the recovery phase from the storm was completed, the Town launched into a damage assessment, as part of the Massachusetts Emergency Management Agency and Federal Emergency Management Agency plans to obtain reimbursement. The assessment included review of all the costs associated with snow and ice removal, overtime work, equipment repair, equipment rental, etc. He can provide the breakout at a later date. The estimates total approximately \$797,000.

Mr. Johnson-Staub reviewed the beach mobile food vendor proposals. The Board was encouraged to make changes to the food concession bids for the beaches, such as moving away from using the buildings at Surf Drive and Old Silver, and transitioning to food trucks/trailers, with the encouragement of the Beach Committee. Another suggestion was to add a couple of new locations to bid out for mobile food concessions. In total, the Town solicited bids for six locations, seven days per week, for a minimum number of hours. The proposed locations are Old Silver Reserved, Old Silver Public, Surf Drive, Falmouth Heights Beach, Bristol Beach, and Chapoquoit. In addition, there was a mobile food and beverage bid for other beach locations including Megansett Beach, Grews Pond, Woodneck, Mill Road Ext., and Menauhant. The Town also issued a bid for a hot beverage mobile vendor which would have access to all of the beaches provided they do not interfere with beach operations or other concessions. There were no bids for that item. All of the other RFPs received competitive bids which are currently being evaluated. One aspect that was not anticipated was that there was one aggressive bidder who was the high bid for five of the locations. This bidder indicated that they only wish to pursue four locations. He recommended to the Town Manager to proceed with awards based on the outcomes. This is a two-year bid with a one-year extension option.

Mr. Brown asked if the single vendor may provide different food at each of the four locations. Mr. Johnson-Staub stated that the Town is not in control of the menu for the food.

Dr. Goldstone asked how a responsible bidder can be considered when the Town has not previously had one bidder managing four locations. Mr. Johnson-Staub stated that the vendor can be asked for information regarding available equipment and personnel, but the model has often included that owners and seasonal staff will be hired.

Public Comment:

Nate Miller, Sam Turner Road, stated that, as seen during the recent blizzard, the Town's electric grid could use some improvements. Eversource is moving in that direction. They currently have a petition in front of the Electrical Facility Citing Board to expand their substation on Sam Turner Road. The project would increase capacity and redundancy, which are important, but it would also build a 2.6-acre substation 100' from his neighbor's front yard. The petition makes commitments to mitigating impacts during the planned 30 months of construction, applying for Town permits, and implementing environmental controls to prevent things such as oil spills and erosion. Yet, for the past eight years, Eversource has operated the current site as a staging yard for other projects, and, during that time, none of those commitments have been met. This is a modest, working-class neighborhood which includes a majority of affordable homes that this Town has worked to build and preserve. It is now being asked to bear the brunt of a much larger electrical reliability project. He asked the Town to push Eversource to seriously consider the impact on this neighborhood, to evaluate alternatives, to design meaningful mitigations, and to make clear, enforceable commitments. He and his neighbors sent a letter describing these concerns. He encouraged the Board to carefully review Eversource's petition and to press them for binding commitments to minimize the long-term impact of this project on Sam Turner.

Barbara Schneider, Beach Committee, stated that it is important to all seven members of the Beach Committee that have worked tirelessly for the last 2.5 years on transitioning to food trucks for the Board to direct management to not take anything less than what the Town has had. The idea of food trucks was to give more diversity and service to people at the beaches. It would be a shame if someone who rents a home for thousands of dollars, goes to one of them and cannot find something good eat. The Committee appreciates that there were two vendors last year who gave a good head start on what to expect. She asked that the Town be assured that one vendor can handle that much business.

Joe Strazzula, Beach Committee, stated that the Committee was shocked that one vendor could get 4-5 locations. There is concern that the Town is at great risk of not having this be successful at every location. There should be an emphasis on diversity in the food service needs to encourage growth for each beach. He encouraged moving to the next highest bidder, if needed, until the Town obtains the kind of variety that the community needs. This is a success/fail situation, with no in-between. The Committee is not confident that the bidders, as they presented themselves, can do what needs to be done.

4. CONSENT AGENDA

a. Licenses

- 1) Consider a vote to approve the application by MPG Corporation d/b/a Garrett's Family Market located at 435 Palmer Avenue, Falmouth for a Change of Manager to its Wine & Malt Beverages Package Store License

b. Administrative Orders

- 1) Consider a vote to accept a donation from Falmouth Road Race, Inc, in the amount of \$3,500 to the Beach Donations Account (28-632-5655-4830) for the Beach Department's winter 2025 grant proposal

- 2) Consider a vote to approve a request from St. Barnabas Church for a variance to Sign Code §184-20:Variances, Section 240-25: Allowable Size for the display of a temporary signs in excess of the number of days permitted, and in excess of 32 square feet on the property at 91 Main Street
- 3) Consider the approval of a license agreement between the Town and U.S. Coast Guard Auxiliary for the installation of a radio repeater at the Fire Rescue Headquarters facility and radio tower
- ~~4) Discuss and consider a vote to approve a letter of support for federal community project funding for the Woods Hole Oceanographic Institution (WHOI) Complex for Waterfront Access to Exploration and Research (CWATER)~~

This item was held for further discussion.

Motion by Dr. Goldstone: To approve the Consent Agenda, with the exception of Administrative Order Item #4, as presented. Second: Mr. Richardson.

Vote: Yes – 5 No – 0

4. CONSENT AGENDA

b. Administrative Orders

- 4) Discuss and consider a vote to approve a letter of support for federal community project funding for the Woods Hole Oceanographic Institution (WHOI) Complex for Waterfront Access to Exploration and Research (CWATER)

Mr. Reed abstained from this item.

Motion by Mr. Richardson: To approve Administrative Order Item #4, as presented. Second: Dr. Goldstone.

Vote: Yes – 4 No – 0

5. COMMITTEE INTERVIEWS - 6:40 PM

- a. Interview and consider a vote to appoint a member to the Commission on Substance Use - Aubrey Wilsey

This item was rescheduled for a future meeting.

6. BUSINESS

- a. 6:45 PM - Residential Tax Exemption follow-up discussion

Mr. Renshaw noted that the Board previously discussed this item on November 3, 2025.

Laura Sitrin, Finance Director, explained that a residential property tax exemption shifts the tax burden within the residential class from those eligible to receive the exemption to those that are not. The tax burden shifts because the overall residential property tax rate will increase overall,

and those properties that are eligible will receive an exemption equal to a percentage of the average residential assessed value of all residential property in Falmouth. The law allows municipalities to decide an exemption percentage up to a maximum of 35%. There were 22,632 residential properties in Falmouth as of December 2024. A housing profile completed by the Cape Cod Commission for Falmouth determined that 52% of the entire housing residential housing stock was owner-occupied year-round, 31% was seasonal, and 12% was rental. There could be a 10%-15% difference in these numbers. The breakeven point for 52% of eligible properties would be estimated at \$2M. This estimate is \$1.6M if there are 64% eligible properties. The breakeven point means that someone would not pay any more or less in taxes once the exemption is received. The potential implementation is scheduled for December 2027. There is funding in the FY27 budget for this including, four months of an administrative clerk, system programming, and postage mailings.

The Board reviewed samples of the effect of the residential tax exemption on eligible and non-eligible residential property taxes. Ms. Sitrin stated that the proposal would reduce the overall assessed value. In order to make up the difference and keep it revenue neutral, this would change the tax rate. The law states that people should apply every year. In reality, most towns are having people apply every 2-3 years, and some as many as every five years. This is a very labor-intensive process. The exemption stays with the owner in this case.

The Board discussed future costs for the program. Ms. Sitrin stated that she believes the administrative clerk position would be needed moving forward.

Dr. Goldstone expressed the importance of streamlining Town systems to allow a resident to go online and apply for their tax exemption, their trash sticker, their beach sticker, their clamming license, etc. all at once, as opposed to providing a proof of residence many different times.

Mr. Reed stated that this will not bring in new revenue but instead create a shift to those that are not eligible. Falmouth is the last meaningful foothold for the middle class on the Cape. The Town has started leveraging ADU production, creating short-term rental regulations, and establishing dedicated housing funding. This program ties into affordable housing and tax overrides being forecasted. He asked if anyone has considered this analysis against the forecasted tax overrides for the Police Station, Lawrence School renovation, and the outfall. It would be great if this was a zero sum game for the average taxpayer. He also asked if there has been any analysis into potential unintended consequences for those not eligible. Ms. Sitrin stated that the Assessment Department in Provincetown, which has a similar procedure, was contacted but an analysis has not specifically been run.

Mr. Richardson stated that policies such as this allow for the tax burden to be shifted to keep people living in Falmouth. He would like to endorse the 10% rate at this time, if possible.

Mary Harris, Precinct 5, asked how the Town will be sure that someone is filing their actual tax return. Ms. Sitrin stated that the federal government will not share a list of this information and it is unclear if the State will either. Mr. Mascali noted that it would be a crime to file a false statement.

Motion by Mr. Richardson: To pursue the 10% residential exemption for FY28. Second: Dr. Goldstone.

Vote: Yes – 5 No – 0

- b. 7:10 PM - Discuss MA Department of Environmental Protection (DEP) wastewater discharge permit for the Easterly project at 375 Sandwich Road

Mr. Johnson-Staub the MA Department of Environmental Protection (DEP) recently issued a draft groundwater discharge permit for the 300-unit housing development at 375 Sandwich Road. The Town was not in 'safe harbor' pursuant to M.G.L. 40B when the developer applied for a comprehensive permit for 300 units of rental housing. As such, conditions imposed by the ZBA which added costs could be challenged at the MA Housing Appeals Commission (HAC) if the conditions rendered the project financially infeasible. In some ways, the Town has conflicting goals, it wants to create housing at an affordable rate, but this also adds more nitrogen and wastewater. There was interest in getting the best wastewater treatment for this site as possible. Although the wastewater discharge permit is issued by DEP and not the Town, the ZBA put forth a comprehensive permit that the Great Pond Watershed is subject to a State-approved Targeted Watershed Management Plan requiring management of nitrogen and thus within ZBA jurisdiction, as a matter of local concern. The ZBA issued a comprehensive permit in July 2024 and included a condition imposing a net zero nitrogen discharge standard. The original comprehensive permit decision specified that the developer shall "seek State permitting for a state of the art wastewater treatment system that discharges an annual average per day limit of 3 milligrams per liter of total nitrogen...and has capacity to add a sufficient number of nearby residences or take other measures to ensure there is no net increase in nitrogen discharged to the Great Pond watershed as a result of the Project." This treatment requirement was among a number of conditions appealed by Saxon Partners to the Massachusetts Housing Appeals Commission. The ZBA and the developer ultimately reached a negotiated settlement before the HAC rendered a decision. The agreement states in part: "The Applicant shall design and construct the WWTF to meet an annual average effluent concentration of 5 mg/L of total nitrogen with best operational efforts to achieve an average annual concentration of 3 mg/L of total nitrogen. The Applicant shall also employ mitigative measures to achieve net-zero nitrogen load from the Project to the Great Pond Watershed." Because the concentration standard at an annual average of 5 mg/L of nitrogen will not result in net-zero nitrogen load, the agreement also requires the developer to pay the Town \$750,000 to fund implementation of additional nitrogen offset measures.

He explained that the draft groundwater discharge permit issued by the DEP uses different measurement standards. Rather than setting a limit on average annual concentration of nitrogen per liter, it sets a limit on cumulative kilograms of nitrogen discharged per year. The draft groundwater discharge permits set the limit at 346 kilograms per year and a wastewater flow limit of 49,950 gallons per day. When one does the math, the imputed average annual effluent concentration is 5 mg/L - the same as what is required as a minimum standard in the Town's settlement agreement with the developer but without mention of best efforts to get to the lower concentration target of 3 mg/L of nitrogen. Wastewater Superintendent Amy Lowell sent a comment letter to the DEP on November 17, 2025 stating: "The Town requests that the Cumulative Annual Nitrogen Load in the groundwater discharge permit be reduced to 207.3

kg/year, to reflect the best operational efforts concentration of 3 mg/L agreed to by the Applicant and the Town in the comprehensive permit modification." It remains our hope that the final DEP groundwater discharge permit will impose a lower limit on total annual nitrogen load. Town Counsel points out that the developer must comply with both the DEP permit and the Town comprehensive permit. The developer still must make best operational efforts to achieve an average concentration of 3 mg/L, employ mitigative measures to achieve net-zero nitrogen load, and it must pay \$750,000 to the Town for additional nitrogen mitigation measures.

Dr. Goldstone asked how one can be determined to have made best operative efforts. Mr. Johnson-Staub stated that the enforceable elements are total nitrogen and net zero. Amy Lowell, Wastewater Superintendent, explained that the Town's comprehensive permit does not reference a load, but an average concentration. This does not reflect the flow and thus is more restrictive. It is unclear at this time what the mitigation measures to get to net zero may be. Dr. Goldstone asked how much nitrogen removal \$750,000 will buy the Town. Ms. Lowell stated that this would buy almost 19 I/A upgraded septic systems.

Mr. Brown stated that he is apprehensive about their ability to treat to these levels. Ms. Lowell stated that it is unclear what treatment they will get out of their plant, but there are standards with enforcement as part of the permit. Mr. Brown asked if the Town could do its own testing. Ms. Lowell stated that reports will be required monthly as part of the permit which must be certified as accurate. Mr. Brown expressed concern that a sewer line may need to be run to the site by the Town if there are issues. The Town is under a mandate from DEP to remove nitrogen from the Great Bay watershed and he is confused as to how this project is being allowed to add nitrogen to it. Ms. Lowell explained that there are State regulations that are at cross purpose for this project.

Wendi Buesseler, Coonamessett River Trust, stated that this effluent will be flowing into the Coonamessett Watershed and there is concern about possible impacts. She is uncomfortable with what is proposed in the DEP permit as the mitigation measures are not detailed. It does not mention a fertilizer plan. She asked what will happen if the project does not meet the numbers. She asked how net zero will be determined. Ms. Lowell stated that the main monitoring will be effluent from the treatment plant. As far as fertilizer application, it is unclear how this would be monitored. Ms. Buesseler urged the Town to appeal the DEP permit if it comes in higher than what was worked out between the Town and developer. Town Counsel O'Keefe stated that she believes the two will work in concert with one another. The final permit has not yet been seen.

c. 7:20 PM - Update report from the Falmouth Municipal Light Board

Members of the Falmouth Municipal Light Board provided a presentation and update regarding ongoing projects and initiatives. Falmouth Broadband MLP was established by Falmouth Town Meeting in 2022 to create a municipal broadband internet utility under the Commonwealth's Municipal Light Plant structure. The inaugural board was elected in May 2023. More information on the activities of the Falmouth Broadband MLB can be found at <http://falmouthbroadband.net>.

d. 7:35 PM - Update and annual report from the Taskforce on Workers and Families

The Select Board received a presentation and update from the members of the Taskforce for Workers and Families. The mission of the Taskforce for Workers and Families is to prepare for Select Board consideration an action plan to promote a better quality of life for working individuals and families in Falmouth. In October 2025, the Taskforce completed a comprehensive report that covers its activities and research endeavors since its creation in June of 2024. The 2025 Annual Report includes valuable information that was collected during the course of three community roundtable events, as well as the results of internal research on sustainable workforce housing initiatives including the Seasonal Communities designation. The Taskforce considers potential actions related to service needs (e.g. childcare, housing support); providing financial resources for low and moderate income individuals and families; and policy change (e.g. zoning, tax policy). To develop this action plan, the Taskforce gathered information on best practices from other municipalities and thought leaders. The Taskforce solicited community input on proposed action items, making a concerted effort to include participation of individuals from diverse backgrounds. The Taskforce is a temporary, single-purpose committee to be dissolved July 1, 2026. The Select Board may vote to extend the term of the Committee to a certain date if additional time is required to achieve the purposes of the Taskforce

Recommendations from the Taskforce include improving housing governance, investing in centralized Town communication, supporting families through municipal childcare assistance, and pursuing workforce housing for municipal employees.

Mr. Richardson asked about short-term decisions to push the mission forward. It was noted that a couple of things could be finding ways to increase accountability and increase connections between Town committees/boards.

- e. 7:50 PM - Discuss and consider a vote on the final wording on the naming of the Green Pond Bridge for Sgt. Joshua Tipton

Mr. Renshaw explained that On June 5, 2024, Ms. Amanda Braga-Tipton, sister of late Sgt. Joshua Tipton (U.S. Army), submitted a written application to the Select Board Office requesting that the Select Board consider naming the Green Pond Bridge for Sgt. Joshua Tipton. In accordance with Select Board policy, the Select Board initiated the one-year waiting period at its meeting on July 15, 2024. During its meeting on July 28, 2025, the Select Board designated one of its members, Mr. Reed, to seek input and advice of whichever department, board, committee, or commission oversees the public facility or place to be named and then report back to the full Board. On December 1, 2025, the Select Board conducted a public hearing to hear the report from Mr. Reed, the Select Board designated member, to seek input from the community, and to consider a vote to name the Green Pond Bridge for Sgt. Joshua Tipton. It was explained that the approach to the naming was a way to consider combined recognition and there was a suggestion to name the Green Pond Bridge the Invisible Wounds Bridge in Memory of Sg. Joshua Tipton, with a target date of Memorial Day. On December 1, 2025, the Select Board voted to "approve the request to name the Green Pond Bridge in memory of Sgt. Joshua Tipton and other Falmouth veterans with the naming to be determined in consultation with stakeholders and subject to final Select Board approval."

Mr. Reed explained that there was a request during the December 1st meeting to include another individual's name. The unintended consequences of reaching out to that family included reopening scar tissues and creating a policy that does not make sense to the person whose scar tissues were reopened. He recognized that family and stated that he will do his best to honor the individual.

Motion by Mr. Reed: To approve naming one-half of the Green Pond Bridge the Invisible Wounds Bridge in Memory of Sg. Joshua Tipton in order to allow for the future opportunity to initiate the naming process for the other half of the bridge in honor of another service member, if so desired. Second: Mr. Richardson.

Vote: Yes – 5 No – 0

- f. 8:05 PM - Consider a request from the 250th Anniversary Task Force for a variance to Sign Code §184-7: Placement and §184-32: Off-Premises Signs to hang banners containing quotes related to the American Revolution and with information on the Falmouth Historical Society's exhibition on the American Revolution on poles on Main Street

Mr. Renshaw explained that the 250th Anniversary Task Force has applied for a variance to the Sign Code to hang 14 banners on the poles on Main Street. Twelve of the banners contain quotes related to the American Revolution, and two contain information on the Falmouth Historical Society's new exhibition on the American Revolution in Falmouth, which is free and open to the public. If approved, the Department of Public Works will hang the 14 banners, as this is a Town committee.

Dr. Goldstone explained that she asked that this be held from a previous agenda due to concerns regarding political speech as part of the banners and what they may open the Town to. She has since been assured by Town Counsel that this is not an issue, as hanging of the flags due to their content cannot be denied based on free speech.

Bob Ripley, Chair of the 250th Anniversary Task Force, recognized two members of the committee in attendance--Karen Rinaldo, the artist, and Tamsen George. The banners are the same 14 as used last year and will be hung during the same timeframe. Last year the banners were hung in celebration of the 250th anniversary of the start of the Revolutionary War and this year in celebration of the 250th anniversary of the signing of the Declaration of Independence. This will kick off a series of events that will be held on behalf of the Town from July through September. On July 1st will be a dedication of a plaque in Falmouth Heights, a series of events on the Museum on the Green and at the Library and throughout the Town.

Motion by Mr. Brown: To approve the request from the 250th Anniversary Task Force for a variance to Sign Code §184-7-Placement and §184-32-Off-premises signs to hang 14 banners on poles on Main Street for a period of June 29, 2026 to September 1, 2026.

Second: Mr. Richardson.

Vote: Yes – 5 No – 0

- g. 8:15 PM - Consider a vote to approve a request from Falmouth Commodores Baseball Club for a variance to Sign Code §184-7: Placement and §184-32: Off-Premises Signs to hang Falmouth Commodores flags on the light poles on Main Street

Mr. Renshaw explained that the Falmouth Commodores Baseball Club submitted an application for Streetlight Pole Banner to hang 39 Commodores and America 250 banners on streetlight poles on Main Street (as well as Library Lane, Shore Street Extension, and Town Hall). The Falmouth Commodores Baseball Club is requesting placement of the banners from June 1, 2026 to August 14, 2026. There are 44 streetlight poles on Main Street. The other streetlight poles requested by Falmouth Commodores on Library Lane, Shore Street Extension, and Town Hall have not been used for banners. The Commodores have agreed to a reduction from 39 to 30 banners, in order to also allow for the 250th Task Force banners to be hung.

Dr. Goldstone asked about other potential conflicts, due to the number of signs proposed. Mr. Renshaw explained that there will not be any direct conflicts, due to staff coordination.

Motion by Dr. Goldstone: To approve 30 Falmouth Commodores Baseball banners on streetlight poles on Main Street from June 1, 2026 to August 14, 2026. Second: Mr. Brown. Vote: Yes – 5 No – 0

- h. 8:25 PM - Consider the request from Lillian Kazanis of New England Festivals for a waiver of the special event permit fee for the Harbor Light Illumination Concert Series & Artisan Market being held at Marina Park on Saturdays, 7/4, 7/11, 7/18, 8/8, 8/15 and 8/22/26

Mr. Renshaw explained that Lillian Kazanis of New England Festivals, Inc. has requested a waiver of the special event permit for the Harbor Light Illumination Concert Series and Night Markets. This is a recurring event which has been held in 2025 (6 days), 2024 (6 days), 2023 (2 days), canceled in 2020 due to pandemic, and in 2019 (3 days). Last year was the first year a request for waiver of the special event permit fee was submitted, and the Select Board approved the request for waiver of the special event permit fee. Harbor Light Illumination Concert Series and Night Market is approved for six Saturdays on July 4, July 12, July 19, August 8, August 16 and August 22, 2026. The Special Event Permit Fee is \$200.00 per day for six days for a total of \$1,200.00. For a reduction of the permit fee for the six days, the first and last day is \$400.00. A reduction of 75% for the remaining 4 days is \$200.00. For a total of \$600.00 for a reduced special event permit fee.

Motion by Mr. Brown: To approve the request from Lillian Kazanis of New England Festivals for a full waiver of the special event permit fee for the Harbor Light Illumination Concert Series and Night Market being held at Marina Park on Saturdays, July 4, July 11, July 18, August 8, August 15 and August 22, 2026. Second: Mr. Richardson. Vote: Yes – 5 No – 0

- i. 8:30 PM - Consider a vote to appoint members to the Lawrence School Building Committee - Select Board member/representative of body authorized by law to

construct school buildings in Town, Town Manager, School Superintendent, Principal of Lawrence School

Mr. Renshaw explained that, under the School Building Grant Program, the regulations require that an Eligible Applicant establish a school building committee for the purpose of monitoring the application process and to advise the Eligible Applicant during construction. Under 963 CMR 2.00 the regulations define the "Eligible Applicant" as the Chief Executive Officer of the Town. The regulations further state that appointments to the committee be done in a manner consistent with the Town's Charter and any relevant bylaws (963 CMR 2.06(2)(b)). The Falmouth Charter states that the Select Board is the Chief Executive Officer of the Town and is authorized to create any governmental body as required. Further, the Select Board has created a Committee Appointment Policy which governs the appointments to any Falmouth governmental bodies. Therefore, the Select Board is the proper appointing authority for the School Building Committee, and the Select Board will follow its normal policies and procedures when making appointments to the Lawrence School Building Committee.

The regulations set forth the desired composition of the Committee and state that the Select Board should make reasonable efforts to include one or more of the following individuals:

- A member of the Select Board
- The Town Manager
- At least one member of the School Committee
- The School Superintendent
- The local official responsible for building maintenance
- A representative of the body authorized by law to construct school buildings in the Town
- The Principal from the Lawrence School
- A local budget official or member of the finance committee
- Members of the community with architecture, engineering, knowledge of the educational mission and function of school facilities, and/or construction experience

The regulations allow for the Select Board member that is appointed to also serve on the Committee in the capacity of a representative of the body authorized by law to construct school buildings in the Town. The School Committee is scheduled to meet on March 10 and will be voting to recommend to the Select Board at least one member of the School Committee.

The Board agreed that it would consider the position for someone to serve as the representative of the body authorized by law to construct school buildings in Town at a future meeting.

Motion by Mr. Mascali: To approve the appointments of the following members to the Lawrence School Building Committee: Select Board member Douglas Brown, Town Manager Michael Renshaw, School Superintendent Dr. Lori Duerr, and the Principal of Lawrence School Mr. Tom Bushy. Second: Mr. Richardson.

Vote: Yes – 5 No – 0

- k. 9:00 PM - Discuss revisions to the June 2025 ICE and Immigration position statement and planning for the next community conversation meeting – *The Board took up this agenda item at this time.*

Mr. Renshaw stated that, on June 30, 2025, the Select Board voted to adopt a position statement concerning ICE operations and the general federal immigration enforcement practices that were in place at that time. There have been significant new developments both locally and nationally involving ICE operations and enforcement practices, and these developments warrant a review and potential revision to the Select Board's current position statement regarding ICE operations. On January 22, 2026, the Select Board facilitated a large-scale community forum titled ICE and Immigration: A Community Conversation; the focus of this community meeting was on the personal stories of immigrants and learn about the impact of federal immigration and enforcement policies upon the local community and local businesses. The Select Board is asked to provide direction to the Town Manager concerning the format and potential topics of future community forums, and any other actions/strategy the Board feels is necessary.

Mr. Richardson asked about steps toward actionable policies, including prohibiting the use of Town property by ICE as an official policy, and prohibiting access to individuals in the Police Department's custody unless in response to a valid judicial warrant. Town Counsel stated that prohibiting the use of Town property could be done by the Board immediately. In terms of prohibiting access to individuals in Police custody, she would like to speak with the Police Chief further.

Motion by Mr. Richardson: To direct Town Counsel to draft a policy with respect to officially prohibiting the use of Town property by ICE, to be presented at the next meeting.

Second: Dr. Goldstone.

Vote: Yes – 5 No – 0

Mr. Richardson stated that he would like the policy to be changed to be more oriented around protections and resources. Dr. Goldstone stated that she would work on a draft including some additional language to present to the Board for its next meeting. She asked that the Board write a letter to its federal elected representatives, as an action to advocate further. The letter could include measures to hold federal immigration officials to the same standards that the Town Police force is held to, including that they be uniformed and clearly identified, that they uphold constitutional rights, that they deescalate, and that they follow use of force guidelines. The Board does not have the power to enforce these items on federal officials, but the federal elected representatives do. She stated that she would draft such a letter for the Board to review.

Mr. Brown expressed concern with the paragraph which begins, "Finally, while Massachusetts State Law stipulates that local police do not and will not assist or participate in federal immigration enforcement, it is important that they be aware of potentially disruptive activities in our town. We encourage the traditional collegial sharing of information between law enforcement agencies to ensure safe, effective operations." He explained that, in years past, there was a more collegial relationship between federal immigration enforcement authorities and local authorities. He would like it to be clear that, if there is a legitimate judicial warrant for criminals

in Town, that the Police will work with those authorities. The intention is not to be anti-ICE to the point of extremism. This may foster additional cooperation.

Mr. Richardson also suggested a letter to Governor Healey to review the 287G agreement that she still has in place with ICE.

Dr. Goldstone advocated getting the event planning committee back together to discuss additional community conversations at future dates. Suggestions could then be brought back to the Board.

Peter Waasdorp, Precinct 1, stated that, as a member of both Indivisible Falmouth and the Falmouth Immigration Rights Committee, he fully endorses the statement submitted to the Board earlier this evening and applauds the hard work from a number of individuals that went into it. Some members of the committee share a view, perhaps familiar to some on the Board, that the Town should not propose anything unenforceable. He noted that this may be a time when stepping outside one's comfort zone regarding this issue may be a patriotic duty. The problem everyone is facing is the supremacy clause of the US Constitution and the way that clause has been interpreted by White House Adviser Stephen Miller and the administration with claims that federal law enforcement agencies, like ICE, "operate with absolute immunity." Yet when considering the point blank shooting of Renee Good, the shooting of Alex Pretti while he was pinned to the ground and offering aid to a woman, the dragging of Chongly Scott Tao an American citizen into the freezing cold while dressed only in shorts and Crocs, the use and detention of five-year old Liam Ramod as bait to apprehend his father, the warrantless roundup of day workers based only on their skin color and language, the apprehension of a Falmouth resident that left his car running in the street in front of a coffee shop, and the use by ICE agents of face masks, false police jackets, and missing identification, something in people's guts and hearts must scream that the supremacy clause argument cannot possibly allow these things. "The key to holding Immigration and Customs Enforcement agents accountable for constitutional violations may lie in the 1987 Law Review Article by Yale Law professor, Akhil Reed Amar," New York Times February 2nd of this year. His central point for present purposes was that State legislators can authorize lawsuits against federal officials for violating the Constitution. If that is correct, such State laws could close an odd gap in federal law that, broadly speaking, allows such suits against state and local officials such as police officers, but not against federal ones such as ICE agents. This is exactly what the framers imagined in terms of State law protecting people against federal abuses. "Over the years, some states, including California, Maine, Massachusetts, and New Jersey, have enacted laws along the lines that Professor Amar proposed, though they are largely untested, and Illinois recently adopted one to specifically address the conduct of ICE agents. Still, Vikram Amar, Akhil's brother and also a law professor, stated that such State laws can serve a larger purpose. In the spirit of federalism, states can experiment in this way, and doing so would likely lead Congress to address the problem because it is unlikely that Congress would want to leave a patchwork of different state regulations and different remedies." Thus, every level of government, town, county, state and federal should, endeavor to communicate concerns and propose and pass laws protecting citizens from federal constitutional violations so that no tyrant in the future can say no one stopped me.

Deborah Kattler, resident of Falmouth, stated that she has heard firsthand stories of local business owners who fear for their employees and their businesses. She has spoken to terrified family members trying to locate their loved ones who were detained by ICE on their way to work, with no understanding of what brought them to ICE's attention. She has seen the challenges to get commissary funds to Massachusetts residents who have been shipped to ICE detention centers all over the country. One person in detention said that \$20 there is like \$1M on the outside. She urged the Select Board to move beyond broad statements and gestures of solidarity. She was gratified to hear discussion regarding some concrete policies being considered. Lawmakers at all levels of government need to take decisive action to adopt policies that protect residents, workers, and visitors from unlawful federal immigrant enforcement while upholding constitutional rights. A letter was sent outlining many policies that could be implemented. The letter deals with three topics, including education about rights. Additional support from the Town could go a long way in helping residents and businesses to feel empowered. Some examples include providing businesses, private property owners, and community members with clear guidance and signage, including that law enforcement may not enter nonpublic areas without a valid judicial warrant, and ensuring residents are informed of their rights to observe, record, and share information about ICE activities. Secondly, there are ways to help protect due process, such as ensuring individuals in Falmouth Police custody are notified if ICE intends to detain them, given the opportunity to contact legal counsel, and not transferred without a judicial warrant. Finally, regarding data sharing, if elected officials are serious about protecting immigrant communities, efforts cannot begin and end with access to counsel and due process for those already detained. They must also do everything in their power to prevent people from being pulled into the detention and deportation machine in the first place. This requires targeting the surveillance and information sharing mechanisms that enable ICE to weaponize information gathered by local law enforcement with or without formal contracts. This could be accomplished by prohibiting the sharing of license plate reader data and other personal information, or prohibiting sharing of fingerprint data, especially for juveniles, with federal authorities unless legally required. These items will allow Falmouth to be as safe and welcoming as possible; a place where civil liberties are respected, public safety is strengthened, and residents can more fully participate in the community with less fear.

Sandra Faiman-Silva, Precinct 2, stated that Town residents and leaders are in a very difficult situation as it pertains to how to handle the current immigration crisis and ICE's outrageous and extremely dangerous enforcement tactics. Furthermore, ICE's interactions with residents, local police, and immigrants have been shown, even in this Town, to be highly troubling. She asked how the Town can protect its residents in the face of an unruly, irresponsible, and unlawful police agency. The Town must find a path to go beyond the suggestions made in the July 1st Town statement which said, "we encourage the traditional collegial sharing of information between law enforcement agencies to ensure safe and effective operations." It cannot be ignored that collegiality between ICE and civil society today does not exist. The agenda of ICE and the federal government is to round up as many immigrants as possible, detain them in massive detention centers around the country, and systematically deport them as quickly as possible. The July 1st Select Board statement affirmed its commitment to be a welcoming community, one that protects civil liberties, due process, and the U.S. Constitution. Now, the Town must go beyond that level of commitment to detail ways to disrupt the illegal and unethical federal ICE conduct legally, by insisting that ICE perform its law enforcement duties using tools which respect the

law and the Constitution. ICE cannot legally detain people who have committed no crimes, are here lawfully, and are doing nothing to warrant being grabbed from the streets and taken into custody. Yet this is what they do. People have exceeded their stay in the United States. They were brought to the United States by their parents as children and are not hardened criminals. They have committed a civil infraction, a crime similar to driving with a broken taillight, speeding, or driving without a license and must be treated in a way that is consistent with their infraction and not as hardened criminals. Town employees and/or residents of the Town must protect the civil rights of others in the community by codifying the rights of all residents in Town ordinances and Town codes that are consistent with the Constitution and laws. Town employees may not detain a person based on an individual's appearance or suspicion that the person is not a U.S. citizen. Town employees may not perform duties of immigration or ICE officers except as permitted by law. The Town may not expend Town funds on resources to perform the work of federal immigration officers, except as required by law. This society thrives when it adheres to laws, codes, and ordinances that apply to everyone and which protect everyone equally. When the Town government details specific ways that the Town is legally prohibited from collaborating with ICE, everyone will be safer. This federal agency has conducted itself in ways that are unlawful, dangerous, and unjust. Having those laws spelled out explicitly and codified in the Town code would provide additional transparency and security to the people of Town and ensure that future leaders do not arbitrarily change practices without democratic oversight.

Judy Handley, Precinct 2, explained that she has spent time doing business canvassing for the Falmouth Immigrant Rights Coalition and has visited about 25 businesses on Main Street. The Board represents people with many different beliefs. She appreciates the actions that the Board is considering and hopes that the Board can find a way to make not only the citizens of the Town feel at ease, but also the business owners, as many of them are very nervous. They do not know who to turn to.

j. 8:45 PM - Discuss the revisions to the Select Board FY23-FY27 Strategic Plan

Mr. Renshaw explained that the Select Board reviews and updates the five-year strategic plan on an annual basis. For the past two years, this review process has involved a single workshop session, facilitated by the Town Manager, typically conducted in the late summer. Following the review and revision process, the Select Board has typically approved and adopted the reviewed strategic plan document in late fall each year. The most recent revised strategic plan was adopted on October 21, 2024. For the 2025/2026 revision process, the Select Board opted to retain the services of the Collins Center from the University of Massachusetts — Boston. Representatives from the Collins Center scheduled a series of three Saturday workshops with the Select Board that were held on September 20, November 22, and December 6, 2025. One of the primary objectives of the workshops was to produce a streamlined strategic plan comprised of the following seven Key Strategic Priority Areas, as well as creating more objective, measurable goals and milestones within each focus area (Housing; Energy & Sustainability; Financial and Economic Stability; Health and Public Safety; Management of Coastal/Natural Resources and Infrastructure; Organizational Effectiveness & Community Engagement; Water, Water Conservation, Wastewater & Solid Waste Management).

The Board reviewed the draft strategic goals under each focus area. There was agreement to review a revised document at the next meeting. There was tentative agreement to depart from the current practice of adopting a document each year and instead proceeding with a different process which would further involve the public.

7. MINUTES

- a. Review and consider a vote to approve minutes of meetings: January 28, 2026 and February 9, 2026

Motion by Mr. Richardson: To approve the meeting minutes of January 28, 2026, and February 9, 2026, as amended. Second: Dr. Goldstone.

Vote: Yes – 5 No – 0

8. SELECT BOARD REPORTS: None at this time.

9. FUTURE AGENDA ITEMS

- Discuss correspondence and media inquiry policies
- 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
- Discuss the need for a municipal building inventory and review of current/planned uses
- Discuss the adoption of an Artificial Intelligence (AI) Use Policy
- Update on Eversource Falmouth Tap Expansion Project on Sam Turner Road
- Discuss adding a third monthly Select Board workshop meeting targeting specific topics
- Meeting with new Steamship Authority General Manager Alex Kryska

Additional items mentioned included information on the appropriations process for the Police Station budget,

10. ADJOURN

Motion by Mr. Richardson: To adjourn at 10:10pm. Second: Dr. Goldstone.

Vote: Yes – 5 No – 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary