TOWN OF FALMOUTH
SELECT BOARD
AGENDA
MONDAY, JULY 13, 2026 – 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: Heather M. H. Goldstone, Chair; Colin Reed, Vice Chair; Robert P. Mascali; Douglas C. Brown; Elizabeth Klein
Others present: Mike Renshaw, Town Manager; Peter Johnson-Staub, Assistant Town Manager; Maura O'Keefe, Town Counsel

Call to Order: By Chair Heather M. H. Goldstone at 6:00 p.m.

1. EXECUTIVE SESSION

a. M.G.L. c.30A s.21(a)(3) – to discuss strategy with respect to collective bargaining – Falmouth Firefighters Local 1397
b. M.G.L. c.30A s.21(a)(3) – to discuss strategy with respect to collective bargaining – Falmouth Public Library Association

Motion by Mr. Mascali: To enter into Executive Session at 6:00pm. Second: Mr. Brown. Roll Call Vote: Yes – 5 No – 0

2. OPEN SESSION

Call to Order: By Chair Heather M. H. Goldstone at 6:30 p.m.

Pledge of Allegiance: Led by Select Board

Proclamations

1) Proclamation - 35th Anniversary of Woods Hole Film Festival

Mr. Mascali read the Proclamation for the 35th Anniversary of Woods Hole Film Festival.

2) Proclamation - Cape Verdean Month - July 2026

Mr. Reed read the Proclamation for the Cape Verdean Month - July 2026.

3) Proclamation - Eagle Scout Nathan Gartner - Scouts BSA Troop 38

Ms. Klein read the Proclamation for Eagle Scout Nathan Gartner - Scouts BSA Troop 38.

4) Proclamation - Eagle Scout Silas Gartner - Scouts BSA Troop 38

Mr. Brown read the Proclamation for Eagle Scout Silas Gartner - Scouts BSA Troop 38.

Recognition: Mr. Mascali recognized Bob Ripley and the 250th Committee for coordinating the event on July 1st at Falmouth Heights Beach with a dedication of a plaque recognizing the Battle of Falmouth. Also, the heroic efforts of the lifeguards who were able to resuscitate a swimmer in distress.

Dr. Goldstone recognized the Cape Cod Baseball League. 16 former Cape Leaguers were selected during the first round and competitive balance round A of the Major League Draft.

Announcements: Ms. Klein announced an Upper Cape World Cup Watch Party on Sunday at East Falmouth Elementary from 1pm-5pm. This is also an opportunity to tour the Cape Verdean Cultural Center.

Mr. Mascali announced that there will be a meeting regarding the outfall project on Wednesday from 6:30pm-8:30pm at the High School Auditorium.

Mr. Brown stated that the Falmouth Art Center will host Artrageous on Friday from 5pm-7pm.

Dr. Goldstone announced that on Sunday, July 25th at 10am there will be an electric vehicle fair at Mullen Hall School. On Wednesday there will be a training for all Town committee chairs.

Town Manager's Report: Mr. Renshaw explained that the Town has launched a new employee recognition program called Employee of the Quarter. He thanked Susan Lumping, HR Director, for ordering the plaque which will display the name of each individual who receives this recognition. This will be installed soon. He also thanked all of the DPW, Beach, and Public Safety team members for the tremendous amount of work and effort over the holiday weekend.

Public Comment:

Joe Bernholz, Dove Hill Road, explained that, in January of this year, an application was submitted to redevelop 402 North Falmouth Highway to accommodate 17 buses and 27 passenger vehicles. This is in the area of the old cheese shop. There is a significant amount of traffic that moves through the area on a regular basis, both pedestrians, bicycles, and vehicles. A development of this type would be a significant risk to public safety. These 30,000lb buses do not accelerate at the same speed as other vehicles traveling through the area. This is a recipe for disaster. The community opposition was immediate. There have been over 600 signatures gathered to oppose the project. There is a community group which has created a website that includes all of the background for this project and details about the activities moving forward in the efforts to oppose it. He is happy to answer any questions or provide additional information.

Joe Netto stated that at the last Board meeting, a veteran spoke about the proposed cuts to Veterans Services in Town. The Board usually has a meeting in August regarding determining rates and fees. Similar to the town of Mashpee, he asked that the Board consider giving Falmouth's veterans a free beach sticker and shellfish permit.

Alex Kryska, Steamship Authority, thanked those who attended a recent hearing regarding the Authority's schedule. A fresh look is being given to this item, and a report will be presented at a later date.

Consider a vote to affirm the appointment of the Finance Director

Mr. Renshaw explained that the Town conducted a comprehensive recruitment process to identify a highly qualified municipal finance executive with demonstrated expertise in strategic financial leadership, long-range financial planning and forecasting, implementing financial best practices, and leading continued modernization initiatives. Following a competitive recruitment process that included 20 applicants, two rounds of interviews, reference checks, evaluation of the finalists, and a comprehensive background check, the recommendation of for the appointment of John Arnett as the Town's Finance Director. As Mr. Arnett currently resides in Plainville, the request is that the Board waive the Department Head residency requirement for his appointment, as authorized in Article V, Section 4 of the Town Charter. Mr. Arnett intends to relocate to Falmouth, contingent upon the Board's approval of his appointment. If the Board affirms his appointment this evening, Mr. Arnett is prepared to begin his employment as the Town's Finance Director next Monday, July 20, 2026.

Motion by Mr. Reed: To approve and affirm the appointment of John Arnett as the Town's Finance Director. Second: Mr. Mascali.
Vote: Yes – 5 No – 0

Motion by Mr. Reed: To waive the Department Head residency requirement for John Arnett. Second: Ms. Klein.
Vote: Yes – 5 No – 0

3. CONSENT AGENDA

a. Licenses

1) Consider a vote to approve the application by Dawn Bowman Tolley for a Special One-Day Wine & Malt Beverages License for a celebration of life for Richard W. Bowman at West Falmouth Library, 575 West Falmouth Highway, on July 25, 2026, from 4:00 pm to 6:00 pm.

b. Administrative Orders

~~1) Consider a vote to approve the petition by NSTAR Electric Company dba Eversource Energy and Verizon New England, Inc. for permission to install 2 (two) new JO poles labeled 13/13/5-A and 13/12.5-A (with Anchor) in the Right of Way of Hatchville Road in Falmouth. This work is necessary to provide electric service to provide system improvements and increased reliability to Hatchville Road in Falmouth.~~

~~2) Consider a vote to approve the petition by NSTAR Electric Company dba Eversource Energy to install approximately 17' (feet) of 1-3" Conduit in the Right of Way of Davisville Road. This work is necessary to provide upgraded and improved service to 452 Davisville Road, Falmouth.~~

3) Consider a vote to approve the Warrant for 2026 State Primary on Tuesday, September 1, 2026.
4) Consider a vote to approve a request from Falmouth Cub Scouts for a variance to Sign Code §184-32A-Off-Premises Signs-Town Property for the placement of 4 off-premises lawn signs
5) Consider the approval and acceptance of a Massachusetts Technology Collaborative Connected and Online Grant for 30 Dell Latitude 3140 2-in-1 Touch Tablets to support the Digital Navigator Program
6) Consider a vote to accept a donation in the amount of $500.00 from David's Old Silver Swim, Inc. c/o Robert & Susan Catalano to the Beach donations account, 28-632-5655-4830, to fund the Dr. David Garber "Dare to be Great" Award given to a lifeguard during the annual banquet.

Motion by Mr. Reed: To approve the Consent Agenda, with the exceptions of Administrative Orders b1 and b2. Second: Ms. Klein.
Vote: Yes – 5 No – 0

b. Administrative Orders
1) Consider a vote to approve the petition by NSTAR Electric Company dba Eversource Energy and Verizon New England, Inc. for permission to install 2 (two) new JO poles labeled 13/13/5-A and 13/12.5-A (with Anchor) in the Right of Way of Hatchville Road in Falmouth. This work is necessary to provide electric service to provide system improvements and increased reliability to Hatchville Road in Falmouth.
2) Consider a vote to approve the petition by NSTAR Electric Company dba Eversource Energy to install approximately 17' (feet) of 1-3" Conduit in the Right of Way of Davisville Road. This work is necessary to provide upgraded and improved service to 452 Davisville Road, Falmouth.

Ms. Klein stated that there is a fair amount of material being staged on the site and she would like to hold these items to consider that Eversource is seeking an expansion of the facility. Some neighbors and community members do not believe Eversource is holding their end of the bargain for the site as it is. The organization has been appealing to the Board that it will be on good behavior for the project, and it is important push for this for current operations as well.

Mr. Renshaw explained that storage of equipment on the lot was determined to be a permissible use per zoning. He stated that he will reach out to Eversource to make sure that these concerns are known.

Mr. Brown agreed that this is becoming more of a maintenance staging area/facility use.

Motion by Mr. Brown: To approve Administrative Orders b1 and b2. Second: Mr. Mascali.
Vote: Yes – 5 No – 0

4. COMMITTEE INTERVIEWS

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

1) Board of Health - Amy Roth

Motion by Mr. Brown: To appoint Amy Roth to the Board of Health with a term ending June 30, 2029. Second: Mr. Mascali.
Vote: Yes – 5 No – 0

2) Cultural Council - Hannah Park; Emiliana Pachano, non-voting member

The Board interviewed Hannah Park and Emiliana Pachano for positions on the Cultural Council.

Motion by Ms. Klein: To appoint Hannah Park to the Cultural Council for a one-year term ending June 30, 2027. Second: Mr. Brown.
Vote: Yes – 5 No – 0

Motion by Ms. Klein: To appoint Emiliana Pachano to the Cultural Council for a three-year term ending June 30, 2028. Second: Mr. Mascali.
Vote: Yes – 5 No – 0

b. Consider a vote to reappoint committee members (non-regulatory) (uncontested seats)

1) Cape Cod Regional Transit Authority - Robert Mascali

Motion by Mr. Brown: To appoint Robert P. Mascali as the Town of Falmouth representative on the Cape Cod Regional Transit Authority board for a term ending June 30, 2029. Second: Mr. Reed.
Vote: Yes – 4 No – 0 Abstain - 1

2) EDIC - Colin Reed

Motion by Mr. Brown: To appoint Colin W. Reed as the Municipal Government member of the Economic Development Industrial Corporation (EDIC) to a term ending June 30, 2029. Second: Mr. Mascali.
Vote: Yes – 4 No – 0 Abstain - 1

4) Upper Cape Cod Regional Transfer Station - Peter McConarty

Motion by Ms. Klein: To appoint Peter McConarty as a member of the Upper Cape Regional Transfer Station for a one-year term ending June 30, 2027; and to appoint Lt. Col. Elizabeth S. Sweeney as the Falmouth Lodge of Elks #2380 representative member on the Veterans Council Committee with a term ending June 30, 2027. Second: Mr. Mascali.
Vote: Yes – 5 No – 0

4) Veterans Council Committee - Falmouth Lodge of Elks #2380

Representative - Lt. Col. Elizabeth S. Sweeney

This item was previously addressed.

5. PUBLIC HEARINGS

a. Continuation of a public hearing in accordance with M.G.L. c. 138 § 64 to determine if there are violations of the All Alcoholic Beverages Restaurant License issued to Falmouth Pier 37 Boathouse LLC d/b/a Pier 37 Boathouse located at 88 Scranton Avenue, Falmouth, MA. (40 minutes)

Town Counsel O'Keefe provided the Board with a document called Proof of Case for Underage Drinking and one called Proof of Case for Service of Alcohol to an Intoxicated Person. If the Board finds a violation of underage drinking pursuant to M.G.L. c. 138 § 64, it will need to find this based on evidence provided by a substantial amount. The evidence includes that law enforcement has established that an individual is underage, and that the individual possessed or consumed alcohol. Proof of the violation can be shown either by direct observation by law enforcement, such as witnessing a person holding, drinking, or ordering an alcoholic beverage, and proof that the person is underage can be shown either by possessing no identification or falsified identification. It can also be shown by an admission from someone who says that they are underage. For law enforcement to prove a case for underage drinking, they do not need to witness the service of alcohol to an underage patron, but they simply need to see the possession or the actual drinking. As to the second violation, proof of case for service of alcohol to an intoxicated person, pursuant to M.G.L. c. 138 § 69, for the Board to find a violation of service of alcohol to an intoxicated person, the Board must find by substantial evidence presented to it, that a server or a bartender has observed someone who is visibly intoxicated or reasonably should have known that the person was intoxicated, and then proceeded to serve an alcoholic beverage to that person. Proof of the intoxication portion of the violation can be made by accounts from patrons or staff, or video surveillance of the person's slurred speech, unsteady balance, or unruly behavior. As far as proof of service of alcohol, this can be done either by statements of staff that service of alcohol was made, by observations of law enforcement, or by receipts showing the number of drinks that the patron consumed.

Town Counsel O'Keefe asked Detective Maguire if he was aware of any incident at the Boathouse involving underage drinking. Detective Maguire stated that he was. On June 5th, detectives and patrol officers from the Falmouth Police Department conducted a joint operation with members of the Alcoholic Beverage Control Commission (ABCC) to address alcohol compliance issues. Shortly after arriving, he personally observed a party that appeared underage consuming an alcoholic beverage. He asked one of the ABCC members to interact with the person and determine if his ID was false. In reviewing the person's ID, it was confirmed it was a false ID and that the person was not of age. The person was then escorted off the property. Town Counsel O'Keefe asked how it was known that the person was underage. Detective Maguire explained that a scanner used by the ABCC members determined it was a fake ID and this was confirmed through the Department by running the information through a computer system for verifications. Town Counsel O'Keefe asked if he witnessed the underage person with an alcoholic beverage. Detective Maguire stated that he witnessed the person consuming the beverage.

Town Counsel O'Keefe explained that there are statutory violations which require proof of case. The Board would need to find a violation in order to issue the more serious discipline. The Board has heard that both the Boathouse and the Raw Bar show an inherent problem with over-intoxication, disorderly conduct, and issues with not being able to control crowds between the two establishments. This was apparent and obvious from the last hearing. These are not necessarily tied to statutory violations, but they can still be found to be violations of the license. When the Board issues a license to sell alcohol, it is premised on the public good and part of the public good is ensuring public safety. If a licensee cannot ensure public safety, the Board has the authority to place conditions on that license to protect the public safety and in furtherance of creating a safe environment, not just for patrons, but also for officers who spend a lot of time on Friday and Saturday nights trying to control the crowds. It is not necessary to find a violation of the statute, but simply a violation of the trust that comes with the license in order to make defined modifications. Examples include reporting requirements, increased security or more detailed security plans, shoring up the fences in the back of both establishments where underage drinkers may be sneaking in, security cameras having video surveillance be recorded, etc. The Board can demand these as conditions to be placed upon the license. The Board should work together to determine a plan to make this a safer environment while allowing the business to operate in a safe manner.

Ms. Klein noted that the documentation states that decisions can be made based on behavior in the past four years, in terms of violations. Mr. Renshaw stated that there have been no other documented violations prior to the ones this year.

Mr. Mascali asked if there have been differences with how the establishment has been dealing with the more recent issues. Detective Maguire explained that things have seemed to improve since the 3rd.

Conor McLaughlin, owner of Pier 37 Boathouse, reviewed the implementation of enhanced safety and security protocols over the past few weeks. These will continue to be monitored and enforced into the future. The Boathouse has added eight new cameras to its camera system, bringing the total number of cameras to 62 on property. All these cameras have data storage measures to ensure proper compliance and safety are maintained. The system is most likely the largest of any restaurant or entertainment venue in Falmouth. The boathouse has added additional signage to ensure patrons are aware of the severity of false identification and the illegality of open containers in vehicles, including Ubers. The Boathouse will continue to monitor and turn away any customers seen consuming outside beverages on premises. The Boathouse has stopped selling shots past 11:30 PM and has begun offering deals on food at night to entice people to enjoy a bite to eat before exiting the facility. The Boathouse has purchased three additional state-of-the-art ID scanners for $5,171, bringing the total ID scanner count to five. Bartenders are to use these scanners for a second scan if they have any reservations about service of a patron, even if they have a wristband. The Boathouse is committed to creating a safe environment and will continue to work effectively with the community as well as the Police.

Mr. Brown asked the Police Department about the subsequent meeting. Chief Lourie stated that the meetings went better than anticipated. The owner of the Boathouse also purchased three light stanchions for outside of the facility to help light the area. The two owners also developed a group chat to advise one another on certain items throughout the evenings. It was recommended that employees watch the security cameras. He believes a decrease in issues will be seen.

Mr. Reed asked about the cost of overtime and if this could be passed along to the owners or if, in the future, the businesses could hire their own police details. Chief Lourie stated that the Department has not worked barroom details for some time due to liability concerns. It is unclear if a business can be charged for Department overtime. There should be less involvement at night needed moving forward.

Ms. Klein asked if water is freely available at the bar during the evening. Mr. McLaughlin stated that water stations can be set up on weekends. Sodas and waters are not charged for. Mr. Mascali noted that some towns only allow for one drink to be served to a customer at a time. Mr. McLaughlin stated that this is an interesting idea, but he sees some issues. For example, his brother is in a wheelchair, and he often brings drinks back to him. Town Counsel O'Keefe stated that this could be a condition of the license as long as reasonable ADA accommodations can be made.

There was no public comment.

Motion by Mr. Mascali: To close the public hearing. Second: Mr. Reed.
Vote: Yes – 5 No – 0

The Board discussed a finding of face that there was a violation for underage service based on the credible testimony of Detective Maguire and no opposing testimony from the licensee. The Board discussed that there are significant mitigating factors in terms of actions that have been taken by the licensee since the first hearing. These were substantiated both by documentation provided by the licensee and the testimony of Chief Lourie. Town Counsel O'Keefe explained that a finding of fact needs to include that this is a first offense within the look back period of four years. For a first offense, the minimum sanction is a written warning with a clear indication that any further violations will be penalized in accordance with the guidelines provided. For a second offense, the maximum sanction up to a 60 day suspension of the license and/or a fine of up to $1,000 for sales to a minor where there are no aggravating circumstances. The Board, in an exercise of its discretion, may offer first time violators the option to purchase and install a verification apparatus in exchange for a penalty reduction. If the licensee agrees to this option, the licensee must install the license swiping machine within 30 days of issuance of the sanction and submit monthly reports for three months. It was noted that the licensee has already purchased two new machines at a significant investment. Dr. Goldstone suggested requiring additional training for recognizing both underage and advanced intoxication. Mr. Reed suggested quarterly meetings between the business owners and representatives from the Police Department. The Board discussed an additional condition to limit drink sales to one per person at a time. Ms. Klein stated that she would like to see this included. Dr. Goldstone suggested that training may address this issue without imposing the condition itself. Mr. Reed suggested a two drink maximum per person. Town Counsel O'Keefe noted that a two drink maximum is the law. The Board discussed a potential fine or suspension. Mr. Renshaw recommended a condition of requiring fence improvements to be completed by the Boathouse and checked to be to the

Chief's satisfaction. Also, having an employee monitor the security cameras to see issues proactively.

The Board closed the hearing.

Motion by Mr. Mascali: That the Select Board of the town of Falmouth finds a violation of underage drinking at Pier 37 Boathouse based on the credible testimony of Detective Maguire and no opposing testimony from the licensee. Second: Ms. Klein.
Vote: Yes – 5 No – 0

Motion by Mr. Mascali: To impose a written warning plus a $500 fine, mandatory advanced training for all staff, a comprehensive security and improvement plan to be submitted within 14 days, and quarterly meetings with the Police Department for the next year. Second: Ms. Klein.
Vote: Yes – 5 No – 0

b. Continuation of a public hearing in accordance with M.G.L. c. 138 § 64 to determine if there are violations of the All Alcoholic Beverages Restaurant License issued to Falmouth Raw Bar Inc. d/b/a Falmouth Raw Bar located at 56 Scranton Avenue, Falmouth, MA. (40 minutes)

Town Counsel O'Keefe provided the Board with an overview of the proof of case for intoxicated persons as well as underage drinking at the Raw Bar. She also provided additional statements from staff at the Raw Bar for an incident on May 29, 2026, as well as a receipt that was provided and received by the Police Department as part of the investigation for a certain amount of alcoholic beverages served to the suspect that is the subject of the May 29th incident.

Town Counsel O'Keefe asked Detective Maguire if he is aware of an incident that occurred at the Raw Bar involving underage drinking. Detective Maguire stated that he was aware of the May 29th incident and one on June 5th. Police staff had gone to the Boathouse with members of the ABCC and then went over to the Raw Bar. While there, some officers and detectives observed a male party exiting the front door of the establishment who appeared to be intoxicated. Officers and detectives engaged with him and confirmed their suspicions that he was heavily intoxicated, and he was ultimately placed into protective custody. It was determined that he was underage and he was transported to the Police Station. It was determined that he was underage after he provided an ID which showed that he was 20 and by his own statement. Town Counsel O'Keefe asked if Detective Maguire witnessed this underage person drinking alcohol or with an alcoholic beverage in front of him. Detective Maguire stated that no one from the Department witnessed him holding a beverage. When the person was placed into protective custody, he refused to take a portable breath test. The following morning, when he to be released, he agreed to take one and at that time scored a 0.158 which is almost twice the legal limit. This was at approximately 7:00 AM the next morning. This test, along with his own admittance to being underage and drinking at the bar himself, speaks to the facts of the case.

In terms of the allegation of an intoxicated person, Town Counsel O'Keefe asked Detective Maguire if he was aware of any incident at the Raw Bar involving service of alcohol to an intoxicated person. Detective Maguire stated that on May 29, 2026, members of the Police Department responded to a 911 call for a fight involving a firearm. As officers responded, the party fled the scene. Officers learned while on scene that the individual involved had been flirting and engaging with some wait and host staff to the point that they were uncomfortable. As part of that interaction, security staff got involved and asked him to leave. He refused to leave, at which time a struggle ensued. They were able to force him outside and pushed him to the ground which is when it was reported that he brandished a firearm. Town Counsel O'Keefe asked if there was any indication from the reports that this person was unsteady on his feet, unruly, or any other indications of being intoxicated. Detective Maguire stated that there was some indication that he was intoxicated from staff. As a follow up to this investigation, an interview was conducted with the person later in the night. During that time, there was an odor of alcohol coming from his breath and he had some slurred speech. He also had bloodshot eyes. Town Counsel O'Keefe asked if it would be reasonable to think that the Raw Bar staff should have known that this person was intoxicated by the way he was behaving. Detective Maguire stated that he believes so as staff likely interacts with people who are intoxicated on a more regular basis. The person potentially should have been cut off before that point. Town Counsel O'Keefe asked how it is known that he person consumed alcohol in the Raw Bar that night. Detective Maguire stated that two of the bartenders confirmed that he had three Coors Lights. Per his own admission, initially he stated he had six drinks, three at the Raw Bar and some at a prior establishment.

Ms. Klein asked if the firearm was discovered on his person. Detective Maguire stated that the vehicle was seized and searched but a firearm was not found, nor was it found on his person. There was no surveillance video from the Raw Bar, but video from the Boathouse showed that the person went from the Raw Bar to the Boathouse, corroborating a statement indicating such.

Attorney Rob Mills, representing Mike Richardi, manager of the Raw Bar, provided information on the security measures that were previously in place and additional mitigation that has been initiated since the May 29th hearing. The owner has installed two additional floodlights at the intersection near the building. The canopy contained low lying branches, making it difficult to see the front of the building which was a concern of the Police Officers and the manager. The canopy has since been raised. The security video was previously just live video, but it is now recorded. The Raw Bar has a capacity of approximately 250 people, and there are eight cameras. Security is posted at various locations where there have been past intrusions, mostly along the common property line between the Raw Bar and Pier 37. Security is staged outside along a fence in case anyone tries to climb over it. The group meetings with both owners and the Police Department were very productive. With respect to the event involving the gentleman, he was likely a local worker who showed up at the bar somewhere around 7:00PM, wearing a fluorescent safety vest. He stayed at the bar for about an hour, and a half and all indications were that he was served three beers over approximately an hour and a half or more. There was no indication of over intoxication, though towards the end of the evening he was approaching some of the female staff which alerted management that he may have had too much to drink, which initiated him leaving the bar. Staff notified the Police concerning this gentleman. It is reported that a Police Officer had noticed him earlier in the day elsewhere in Town and the person may have had some other issues than intoxication. In terms of the underage person, there was an individual that was tossed out and not served at the Raw Bar but that came in over the fence.

Mr. Richardi stated that the person who allegedly brandished the gun may have psychological issues. The intention was not to create more of a problem with him and hopefully ignore him a bit until he left. Unfortunately, this person was bad news. The underage person jumped over the fence and his barbacks noticed and escorted him out.

Mr. Brown stated that it is unclear if either of these incidences can be proven to be the responsibility of the Raw Bar.

Ms. Klein stated that the lighting is a great addition from the manager. She asked about measures for staff. Mr. Richardi stated that additional security is being provided. Staff has been spoken to about the plan moving forward.

In response to a question from Mr. Mascali, Detective Maguire stated that the underaged person told officers that he consumed three drinks at the Raw Bar. This is in opposition to what Mr. Richardi believes occurred in that incident. Mr. Brown stated that this is conclusive. Attorney Mills stated that this is conclusive if the Board believes the underaged drinker. Assessing this credibility is difficult.

Chief Lourie noted that the Raw Bar purchased a new ID scanner as well. He also noted that the Raw Bar mentioned that the underaged person was escorted from the property by staff, but this may be a different person, as the person the Department is thinking of exited the building on his own. Mr. Richardi stated that both of these incidences were likely due to lack of security presence which has been remedied.

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

The Board discussed a finding of fact for the allegation of underage drinking. The testimony of Detective Maguire and reports of self-testimony by the underage individual were considered. There is credible evidence that the person did not have proper identification and that the ID showed him to be 20 years old. While there was no direct observation regarding the person drinking at the Raw Bar, the person admits to drinking three beers at the establishment, as conveyed to a Police Officer. Town Counsel O'Keefe noted that substantial evidence does not require direct observation but evidence that the person consumed or possessed alcohol as was self-reported in this case. The Board stated that there appears to be substantial and credible evidence for a finding of fact of a violation on underage drinking.

Motion by Mr. Mascali: That the Select Board finds a violation of underage drinking based on the testimony of Detective Maguire and Police reports to the effect that identification and statements of the individual established his age as being 20, and he testified to having consumed three beers at the Raw Bar. Second: Mr. Brown.
Vote: Yes – 5 No – 0

In terms of a finding of fact for a violation of service of alcohol to an intoxicated person, the Board discussed that a receipt was produced for this case, but not every drink is listed on that receipt, and not every drink on the receipt went to the person in question. The times on the receipt match the testimony that the person was in the establishment for about an hour and a half. The Board discussed that it would be difficult to say that an adult male consuming three Coors Lights over an hour and a half period would meet the grounds for substantial evidence of a bartender serving someone who was visibly intoxicated. Town Counsel O'Keefe noted that one of the reports states that the subject was very intoxicated and harassing staff. Town Counsel O'Keefe also noted that a finding of this violation in a single hearing counts as a first violation. The Board noted that it did not have a strong sense that there was substantial evidence for a second finding.

Motion by Ms. Klein: That the Select Board finds insufficient credible evidence for a violation of service of alcohol to an intoxicated person. Second: Mr. Brown.
Vote: Yes – 5 No – 0

The Board discussed mitigating circumstances. The manager mentioned an updated security plan. The Board discussed imposing a written warning, a fine of $500.00, a requirement for additional training, and quarterly meetings for one year with the Police Department. It was noted that Chief Lourie did not believe an additional security plan would need to be submitted. It was discussed that the training could include fake ID training, de-escalation, crowd control, and active threat response.

Motion by Mr. Reed: To impose a written warning, a $500 fine, additional advanced training, and quarterly meetings with the Police Department. Second: Mr. Mascali.
Vote: Yes – 5 No – 0

6. BUSINESS

a. 8:05 PM - The Select Board, as Trustees of the Falmouth Affordable Housing Fund, discuss and consider a vote to approve an application for funding from Falmouth Housing Corporation and Affirmative Investments for the housing project located at 545 Main Street. (30 minutes)

Kimberly Fish, Housing Coordinator, explained that the request from Falmouth Housing Corporation and Affirmative Investments is for $2,600,000 for the acquisition of 545 Main Street. The applicants were before the FAHF Working Group on April 29, 2026. The working group gave a positive recommendation to the Town Manager. The Town Manager then gave the Community Preservation Committee (CPC) a positive recommendation. The applicants went before the CPC on June 11, 2026, which gave a positive recommendation. The CPC chair considered calling a meeting July 9th to reconsider this decision but ultimately chose not to do so.

Linda Clark, Falmouth Housing Corporation, explained that a purchase and sale for the property was signed in April 2006. The proposal is 50 rental units for seniors aged 60+. Eight one-bedroom units will be at 30% AMI, and 42 one-bedroom units will be at 60% AMI, leading to rent costs including utilities of $1,461. There is no charge for last month or security on any of the units. The proposal is to demolish the existing building and construct a new building on the same footprint. Each floor will have a laundry room and trash room. There will also be a mail room, fitness room, lounge, and community room. The proposal is for a four story building. The existing building is not viable due to substantial physical and financial constraints, such as it being contaminated with asbestos, mold, and lead paint. The building has a history of flooding on the ground floor. The parking lot footprint includes a generous setback from the road, with a lawn and patio out front. New building amenities include a community room, library, lounge, fitness room, roof deck, and outdoor patio. The building will be designed to passive house standards and will be solar ready. The funding request is $2.6M for acquisition costs, representing 8% of the total capital stack. Falmouth Housing Corporation is supplying $500,000 in cash to purchase the property at $3.1M. $1.9M will be requested for construction at a later date. The total request from the Falmouth Affordable Housing Fund between the acquisition and the construction is $4.5M, which is $90,000 per unit, much less than the typical debt.

Ms. Klein asked about this project relying a lot on the low-income housing tax credit funding and noted that many in Town do not want to see this as an age-restricted project. Tara Mizrahi, Affirmative Investments, stated that only age-restricted housing allows for one-bedroom units for State funding. She explained that when building un-age restricted units, the focus is on larger bedroom units. If these were not age-restricted units, 65% of them would have to be two or three bedroom units, with 10% being three bedrooms. That is the mix of units that would be required to dip into State resources.

Mr. Mascali stated that many in Town question the demolishing of the building. He asked about the conclusions that preservation of the building would not be profitable or feasible. Ms. Clark stated that this is also about efficiency and configuration of the building. Ms. Mizrahi stated that reuse of the building would be difficult to obtain the necessary number of units. Mr. Brown noted that a previous developer was proposing 67 units and reuse of the building. Ms. Mizrahi stated that she does not believe the other developer was dipping into the State resources.

Dr. Goldstone asked about opportunities in leveraging the Seasonal Communities designation. Ms. Mizrahi stated that this would help a bit in terms of providing housing for municipal workers but does not provide new resources for this project.

Mr. Reed noted that the Board received a letter from Senator Fernandes regarding interest in helping to apply for State funding for a workforce project. Mr. Reed stated that this is an all-or-nothing project based on the proposed funding. Age restriction is a major bone of contention. There is a growing workforce housing issue in Town. He asked about other non-traditional funding sources considered for the project. Ms. Mizrahi stated that the MA Housing Program does not exist right now, and the program is not currently accepting applications. When it was running, that program was up to $100,000 per unit and up to $3,000,000 per project, although they tended to give less than $3,000,000 for each project because so many people were looking for funds. The only other resource that could be a potential for supporting workforce housing is a small subsidy on private equity firms which still requires partnering with significant funds from someone else.

Ms. Klein asked about the Falmouth Housing Corporation's wait list. Ms. Clark stated that the majority of the demand is one-bedroom units, most of which (95%) are being sought by seniors. Currently, 27% of the 87 senior housing units are working. The other 205 units are not age restricted and 110 (54%) are working. Dr. Goldstone stated that the materials note that, of single individual households, 57% are seniors. Ms. Mizrahi explained that this may be true, but of those coming into the Falmouth Housing Corporation office, a majority are seniors.

Mr. Mascali asked about the permitting and approvals needed for the project. The prior application before the Board was fully baked prior to the requested acquisition. He is uncomfortable about being forced into a quick decision on the current project. Ms. Clark stated that the project will have to go before the ZBA for its typical permitting process and would also apply for a comprehensive permit, potentially at the end of this year or beginning of next year. Ms. Mizrahi stated that Affirmative Investments has been successful on all of its projects to date in Falmouth. This is the 11th project in Falmouth. These projects take an exorbitant amount of money to put together. The nonprofit could not put itself in a position to be out millions of dollars in pre-construction costs and acquisition and financing if it did not believe that the project will get funded.

Mr. Brown expressed concern regarding the proposed design. Many of the Town's historic buildings are being demolished and replaced. The proposed building does not reflect Falmouth to him. He asked about other options. Ms. Mizrahi stated that the design is only conceptual to date. There will be community input through the comprehensive permit process. Mr. Brown asked about reconsidering reuse of the existing building, as a previous developer was proposing to do so with more units than the current proposal. Ms. Mizrahi stated that the last developer did not bring their idea to completion. This project is one that can be financed but there is no interest in reusing the building. The State wants a building to be passive house certified in order to give funds to it. Reuse of the building would not be possible for this.

Mr. Mascali about Town Counsel about the recent actions with respect to the Historical Commission suspending applications for demolishing buildings. Town Counsel O'Keefe explained that her work with the Historical Commission is not in regard to any particular project. The work was in regard to a review of the bylaw itself and the rules and regulations of the Historical Commission. She found them to be vague and with the potential to open the Commission up to possible litigation, no matter what decision they made. There needs to be a set of criteria that can be applied the same way every time when considering an application, or there is a risk that the decision will be arbitrary and capricious. Between the bylaw and the regulations, she determined that any decision the Commission made, due to the lack of criteria, would necessarily be arbitrary and capricious. The bylaw changes will have to wait until October Town Meeting, but the rules of the Committee should be updated soon enough in order to consider any request to put something on the substantial buildings list. Mr. Mascali asked about any issues before the Commission driving these changes. Town Counsel O'Keefe stated that there has been a lot of contention and confusion. Mr. Brown stated that when the criteria have been used, they have been successful, such as with the preservation of Highfield Hall.

Michael Galasso, 107 Lakeview Ave, stated that saving this building creates an equity. Rehabilitation of historic buildings, such as this, approved by the National Parks Service creates $6M worth of equity through historic tax credits, which have no restrictions as far as age. He agreed that there are not any workforce housing funds in his project, but what is included in funding to make the existing building efficient and sustainable. The project would reduce the carbon footprint in the building by 80%. There is $25M worth of funding already put together for this project with a remaining gap of $2.1M. This $25M including funding towards rehabbing the building and making it economically feasible to operate for a long period of time.

Vicki Engstrom stated that she is a senior, thankful to be living at Scranton & Main. Ten years ago, she had to sell her house, as she could no longer pay for it. She had to move out of Town to find an affordable apartment. This is her hometown and she was blessed to come back to it. She thanked Ms. Clark for her vision of housing. There are so many seniors, especially women, who need and deserve a place in their hometown. There is a terrible need for this type of housing in Town. The existing building has been closed for five years, and the oldness of the building should be considered. It would take too much money to make the building affordable to live in. The Town needs to be vibrant.

Dave Garrison, Chair of the Affordable Housing Committee, stated that the Committee enthusiastically supports the Falmouth Housing Corporation's proposal to build these much needed senior units, all of which would count towards the Town's SHI. The demand for senior units is substantial. The Falmouth Housing Corporation reported they have well over 900 seniors on a waiting list. The proposed mix of incomes in the project are eight units at 30% AMI and 42 units at 60% AMI. The new building will be close to downtown and a wide variety of services and amenities. The central location assists residents in pursuing productive life options. The proposed building would replace an aging structure that is in danger of being repurposed for non-housing uses. The Falmouth Housing Corporation plans to have management on site each workday and round the clock access to maintenance staff, which is important for this kind of a facility. The building will be sold with the expectation that grant funds will be available to finance the installation of solar panels. There is adequate parking already available on site. 545 Main Street is the perfect place for this project. The proposed project responds directly to many of the housing objectives in the Town's Local Comprehensive Plan and the Housing Production Plan. Local preference would be enforced, meaning that most of the units would be filled by seniors who live or work in Falmouth. The Committee fully supports the request from the Corporation for $2.6M in acquisition costs and urges the Board to approve the request so that Town staff will have sufficient time to put together the necessary paperwork that will enable the Corporation to close on the property by the end of the month.

Joe Netto, Precinct 9, stated that the existing building is ugly in his opinion. The Board is missing the point, and he is confused at its reluctance in terms of the need for senior housing in Town. He asked that the Board not deny seniors a chance to grow old in this Town.

Eric Turkington, on the board of the Falmouth Housing Corporation, stated that the Board/Town have been minority partners in other Falmouth Housing Corporation projects. The current proposal is one other towns would love to have. A workforce housing project in this location would not work. The Board should take the victory that is being offered to the Town in this proposal.

Kevin Murphy, representing the owner of 545 Main Street, stated that Mr. Galasso had the best intentions but there was an admission that that project was still $2.1M shy of its funding. The owner will not sell the property to Mr. Galasso. The current proposal is an opportunity for affordable housing in Town.

Dr. Goldstone stated that the Board received a pile of letters in support and there is clearly a need for senior housing in this Town. At the same time, there is a need for housing the other 2/3 of the population as well. Single bedroom, smaller units present an opportunity that larger units do not, but she does not believe those single bedroom units need to be only for seniors. The goal in the strategic plan is for robust options for individuals of all ages at all income levels. This does not use the word workforce. There is a need for housing for younger individuals in Town as well. An age unrestricted development does not take away opportunities for seniors to have housing, but an age restricted development does take away that opportunity from others. This is a stumbling block. In terms of the Board being asked to contribute $2.6M at the acquisition phase, when the previous project at 545 Main came before it, the Board thought long and hard about the risk of investing at the acquisition phase of a project. That was not a requirement for the other project, as it was at such an advanced stage that the Board felt confident that the risk was somewhat mitigated. She expressed concern with the Board being asked for an investment of this size at this stage of the project. She believes more creativity and work are due to figure out how to make the project funded now, and a project that the Town needs for the next 20-50, as the age restriction would not end.

Mr. Mascali stated that he is also concerned that the Board is being rushed into this situation. The previous project was fully baked, except for some funding. He was initially supportive of this project, as senior housing is needed in Town, but he is not comfortable with being rushed at this time.

Ms. Klein asked if the Board could revoke the requested funding if this project falls through, similar to the last project. Town Counsel O'Keefe stated that the previous funding was able to be rescinded because the money was granted to an entity without any property interest. A fundamental pillar of a commitment letter is ownership rights. The current project falling through is not necessarily a sufficient reason to rescind the funding. Ms. Klein stated that she would love a project targeted toward working age individuals, but she does not see that project coming forward at this time. The seller's representative noted a tight timeframe, and the Falmouth Housing Corporation timeline has been rolling for some months now. It is time for a practical vote on this matter. The positive track record for the Falmouth Housing Corporation is long. The Corporation will stay involved in the project which speaks to their commitment in caring for the individuals who occupy it. The Corporation will also monitor the income levels for this project, which is a large plus.

Mr. Brown asked if there is risk to the Town from the previous developer bringing suit against it for the Board revoking the funds. Town Counsel O'Keefe stated that the Town can be sued for anything at any time. Whether the argument has merit is another question. The advice previously given to the Board was sound. The Board had sufficient legal grounds to rescind the funding. Mr. Brown stated that a demolition delay on the building could allow for a chance for the other project to move forward, though it does not seem there is support for that. He stated that he supports the concept of this project and the need for it.

Dr. Goldstone stated that she hopes the positives mentioned by Ms. Klein would be part of a project whether it was age restricted or not. She would like to see more work and creativity to find ways to fund the project as age unrestricted. Mr. Brown noted that it was made clear that this project in its current form is only viable based on it being age restricted. Dr. Goldstone stated that this is true with the current funding sources identified.

Mr. Reed stated that the Board is being rushed in the fact that there is not an updated local comprehensive plan or strategic plan through which to weight this decision against. More housing is needed. The question is whether the Town's workforce is still living in Town. More and more teachers and essential workforce personnel are not living in Town, and these opportunities need to be created. The Board is now being presented an all or nothing scenario. There does not yet seem to be a balance in the types of housing being proposed. The Board has a letter of support from Senator Fernandes for finding State funding for workforce housing.

Mr. Mascali expressed concern with rushing into a decision for which all of the ramifications have not been considered. The applicant has a P&S in hand with a certain timeframe associated. He is inclined to take additional time to consider the proposal further.

Motion by Mr. Mascali: To table this item to the next meeting. Second: Mr. Reed.

Discussion:
Ms. Klein stated that the Corporation can only afford for this P&S process to go on for so long. The Board should be careful as to what delays could mean for the property. She asked what the potential timeframe might be for the funding suggested by Senator Fernandes. Also, approval of this project does not preclude the Board for also seeking workforce housing with Senator Fernandes.

Dr. Goldstone stated that she would like a two week timeframe for consideration to include serious exploration of other options.

Vote: Yes – 4 No – 1

b. 8:35 PM - Presentation of the proposed Capital Plan for FY2027 - FY2036 (30 minutes)

This item was postponed to the next meeting.

c. 9:05 PM - Status report on design of new police station at 100 Brick Kiln Road (25 minutes)

Boyd DeMello, Chair of the Police Station Advisory Committee, reviewed the proposed timeframe for the project. Doug Decosta, Police Captain, reviewed the staffing study and how the needs are considered through the proposed project. Matt Salad, Tecton Architects, reviewed the Police Station size comparisons. There was discussion regarding staffing into the future and space needs within the proposed building.

Ms. Klein and Mr. Reed expressed concern regarding justifying the cost of this project. The staffing assessment looks to be an internal document that lacks independent validation. It will be an uphill battle to justify the proposed cost for this project.

Dr. Goldstone suggested that any concerns and questions be addressed to the Police Station Advisory Committee.

d. 9:30 PM - Discuss and consider a vote to place on the ballot of the November 3, 2026 Massachusetts general election a debt exclusion for the costs of design and construction of a new East Falmouth Library at 310 East Falmouth Highway. (15 minutes)

Brian Stokes, Library Director, presented an update on the Library project. He explained that, in May, the Library was notified that construction funds are unexpectedly available this year, subject to Town Meeting authorization of the total project cost no later than April 30, 2027. The request is to seek Board approval to petition the Commonwealth to place a debt exclusion question for the new East Falmouth Library on the November 3, 2026 ballot, allowing Falmouth voters to determine whether to authorize the local funding necessary to unlock the State's construction grant.

Mr. Johnson-Staub noted that a vote on this item will need to take place either at this Board meeting or the next.

Mr. Brown stated that he would like to see more community feedback about this project, as he believes a more traditional design would be preferred.

Mr. Reed asked why having an East Falmouth Library is a must, as many towns are consolidating. This justification will be needed when approaching the Town for funding. Mr. Stokes stated that, due to the geography of the Town and positioning of the other libraries within the Town, there is a heavy concentration of libraries on the west side of Town. The East Falmouth Library, despite its deficiencies, is well used and well loved. It is important to the fabric of East Falmouth. Dr. Goldstone stated that East Falmouth is the densest, lowest income, highest need and highest percentage of family area. She would be embarrassed to have to explain why every other area of the Town has a library, except East Falmouth.

Motion by Mr. Reed: To place the following question on the November 3, 2026 state general election ballot:

- **Shall the Town of Falmouth be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of the demolition of the existing East Falmouth Library and pay costs of design and construction of a new library at the existing site located at 310 East Falmouth Highway including, without limitation, landscaping, paving, utility and other site improvements, storage and moving expenses, furnishings and equipment and all other costs incidental or related thereto?**

Second: Ms. Klein.

Vote: Yes – 5 No – 0

e. 9:45 PM - Discuss and consider the approval of a Grant of License to Penzance Road Trust for the installation of a sign (5 minutes)

Mr. Renshaw explained that at the June 29th meeting, the Board approved a variance for this sign subject to approval of a license agreement. Town Counsel drafted this license agreement which spells out the terms for this privately owned sign to be installed on Town property. The Traffic Advisory Committee has reviewed and approved the request from Penzance Road Trust to install a new sign at the intersection of Bar Neck Rd and Gosnold Rd. This location allows for vehicles to turn off of Bar Neck Road more safely and before it becomes a private road. A similar sign previously installed by the Penzance Road Trust without Town approval has not yet been removed. Another sign placed on a utility pole has been removed.

Motion by Mr. Brown: To approve grant of license to Penzance Road Trust for installation of a sign on Bar Neck Road as submitted, with the condition that any prior unpermitted signs be removed prior to installation of the new sign. Second: Mr. Reed.
Vote: Yes – 5 No – 0

f. 9:50 PM - Discuss and consider a vote to approve fiscal year-end transfers for fiscal year 2026 (5 minutes)

Mr. Renshaw explained that the Town's fiscal year-end is June 30. Year-end transfers are needed to cover unforeseen operating budget deficits that occurred during the fiscal year and must, by law, be approved by July 15th following the end of the fiscal year. Transfers must be authorized by both the Select Board and the Finance Committee in accordance with MA general law chapter 44 section 33B. Operating budget deficits happen when expenses within a line-item voted at Town Meeting exceed the authorized budget that was approved and set 18 months earlier. The amount of a deficit is often only known after all invoices have been submitted for the year, which must be done no later than the first two weeks after June 30. These transfers allow the deficits within one line-item to be covered by surpluses in other line-items. A failure to eliminate operating budget deficits would result in a violation of Massachusetts Department of Revenue requirements. The Finance Committee will be considering the requested transfers at a meeting on Thursday evening, July 9, 2026. The total of the transfers is $410,635 which represents 0.2% of the total FY26 budget of $173,947,184. The total amount of the transfers this year is similar to that of prior years: FY25 - $325,780; FY24 - $727,338.

Motion by Mr. Brown: To approve the year-end budget transfers for fiscal year 2026 as presented and authorize the Chair to sign the budget transfer form. Second: Mr. Reed.
Vote: Yes – 5 No – 0

g. 9:55 PM - Consider amendments to the Select Board meeting schedule for 2026 and adoption of schedule for 2027 (10 minutes)

The Board reviewed its meeting schedule for 2026 and 2027.

Motion by Ms. Klein: To adopt the meeting schedule for fiscal 2027 as presented. Second: Mr. Brown.
Vote: Yes – 5 No – 0

h. 10:05 PM - Announce October 2026 Fall Town Meeting schedule (5 minutes)

Motion by Ms. Klein: To announce the October 2026 Town Meeting schedule as presented. Second: Mr. Reed.
Vote: Yes – 5 No – 0

i. 10:10 PM - Discuss and adopt Select Board committee liaison assignments (10 minutes)

Motion by Mr. Mascali: To adopt committee assignments as amended. Second: Mr. Brown.
Vote: Yes – 5 No – 0

j. 10:20 PM - Discuss future Select Board workshop and discussion topics (15 minutes)

The Board reviewed a list of potential future workshop and discussion topics.

7. MINUTES

a. Review and consider a vote to approve minutes of meetings: June 29, 2026

Motion by Mr. Reed: To approve the meeting minutes of June 29, 2026. Second: Mr. Brown.
Vote: Yes – 5 No – 0

8. SELECT BOARD REPORTS: None at this time

9. FUTURE AGENDA ITEMS

The Board reviewed potential future agenda items, including reviewing proposed articles for the October Town Meeting, reviewing the Capital Plan, the postponed hearing for this evening, revisiting the 545 Main St. proposal, the Clearpoint presentation, and the Town Manager evaluation system.

10. ADJOURN

Motion by Mr. Reed: To adjourn at 11:35pm. Second: Ms. Klein.
Vote: Yes – 5 No – 0

Respectfully submitted,
Kristan Patenaude, Recording Secretary