COMMONWEALTH OF MASSACHUSETTS

TOWN OF FALMOUTH

NOVEMBER TOWN MEETING

Falmouth High School Auditorium
Falmouth, Massachusetts

MODERATOR:   David T. Vieira
TOWN CLERK:   Michael Palmer

Monday, November 14, 2016
7:00 p.m.

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THE MODERATOR: Okay, Folks, welcome to the Falmouth High School. I want to make sure that, before we begin our meeting tonight, that everyone is in the correct locations.

So, in the front of the auditorium, we have three divisions. And this should be only Town Meeting members or Town officials. For those of you that can’t find comfortable space that are Town Meeting members in the front, the back of the auditorium to my left is also for Town Meeting members. We’ve got a little wave action going on up there. And the back of the auditorium to my right is for the general public.

So, again, the front of the auditorium: Town Meeting members and Town officials. My left in the back of the auditorium: only Town Meeting members. And my right to the back of the auditorium: the general public.

For those of you that wish to speak from the general public, we have a microphone down here in the center aisle and we will have a microphone carrier, as well. So if you could just stand up if you’d like to speak during Town
Meeting and I will put you on my speakers’ list. And then, when I recognize you, you can either walk forward to the mic or the microphone carrier will hand you a mic.

This evening, our tellers in the first division will be Mr. Netto, in the second division will be Ms. Cuny, in the third division will be Ms. Schneider, and in the forth division will also be Mr. Netto. Mr. Netto will be doing the first and the fourth divisions.

I want to remind all Town Meeting members that you have checked in. If you haven’t checked in, we have the check in table out in the hallway this time. So make sure you’re checked in because attendance will be published in the Falmouth Enterprise.

I want to remind all speakers this evening please identify yourself by name and precinct. We’re being televised live on FCTV Channel 15, and also for the record for the stenographer we want to make sure we know who is addressing the body.

And I think we’re about ready to begin. [Ringing of bells.]
TOWN CRIER: Hear ye, hear ye, hear ye!

Town Meeting members assemble for the Fall Town Meeting. Hear ye, hear ye! All Town Meeting members assemble for the Fall Town Meeting to ye old Town Hall, Town Hall Colonial. Hear ye, hear ye! Are ye all ready to vote?

THE MODERATOR: Ladies and gentlemen,

John Demello as Falmouth Town Crier.

[Applause.]

THE MODERATOR: Thank you, John, for bringing back the tradition of the Town Crier opening our Town Meeting.

Would all present please rise for the presentation of the colors by the Falmouth Scout Honor Guard.

[Pause.]

THE MODERATOR: All present please follow me in the Pledge of Allegiance.

[Pledge of Allegiance taken.]

THE MODERATOR: At this time I’d recognize the Falmouth Town Band Brass Choir for our National Anthem and ask all members present to sing along.

[National Anthem played and sung.]
THE MODERATOR: At this time I’ll recognize Gary Anderson for our invocation.

MR. ANDERSON: Oh God, Creator of us all, we ask your blessing on this Town Meeting. Let each one of us here this evening recognize our differences and our similarities. Let us listen to each other thoughtfully and guide us to vote on the issues before us with an open mind.

We ask you to watch over our words and our debates so that the result of our meeting will be beneficial to all. Amen.

THE MODERATOR: At this time the Brian Baru Pipe Band will play Amazing Grace as our moment of silence.

[Moment of Silence taken.]

THE MODERATOR: Colors post. Ladies and Gentlemen, the Falmouth Scout Honor Guard, the Falmouth Town Band Brass Choir and the Brian Baru Pipe Band. And Town Crier John Demello.

[Applause.]

THE MODERATOR: Okay, just one more reminder that the top left of the auditorium:
only Town Meeting members. The top right of the auditorium are the general public. And only Town Meeting members and Town officials in the front section.

All Town Meeting members present please rise for the establishment of a quorum and the tellers will return a count.

[Pause.]

THE MODERATOR: Barbara, you counted up here, too, right? You got that, okay.

In the third division, Ms. Schneider.

MS. SCHNEIDER: 45.

THE MODERATOR: 45.

In the second division.

MS. CUNY: 77.

THE MODERATOR: 77.

In the first division.

MR. NETTO: 77.

THE MODERATOR: Is that the first and the fourth, combined?

MS. NETTO: Oh, excuse me, yes.

THE MODERATOR: Combined, okay, the first and fourth: 77.

MS. WHITEHEAD: And one more.
[Pause.]

THE MODERATOR: By a counted vote of 199 plus one more, we have 200 Town Meeting members and we have a quorum and I call the Annual Town Meeting into session.

Okay, I want to remind all Town Meeting members we’re being broadcast live on FCTV, so make sure you introduce yourself by name and precinct.

At this time I’ll recognize the Town Clerk for the swearing in of our new Town Meeting members.

Mr. Clerk.

Please all rise and repeat after me: I -
- state your name - do solemnly swear and affirm
that I will faithfully perform all duties
incumbent upon me as a Town Meeting member
according to the best of my ability and agreeable
to the Constitution and laws of the Commonwealth
of Massachusetts and the bylaws of the Town of
Falmouth. So help me God.

Congratulations.

[Applause.]

THE MODERATOR: Ms. O’Connell, if you
could - gotcha, okay.

Okay, congratulations to our new Town
Meeting members.

At this time, I’ll read the Officer’s
Return of the Warrant. By virtue of this
warrant, I have this day notified and summoned
the inhabitants of the Town of Falmouth qualified
to vote on Town affairs, as said warrant directs,
by posting an attested copy thereof in Town Hall
and in every precinct in the Town. Signed by
Constable Ron Braga.

Mr. Clerk, at this time, I’d like to
start with the dispense of the reading of the
warrant.

Mr. Chairman.

CHAIRMAN JONES: Mr. Moderator, I move to dispense with the reading of the warrant except for the Officer’s Return.

THE MODERATOR: You’ve all heard the main motion to dispense with the reading of the warrant. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair would entertain a motion for non-Town Meeting Members to sit up front with their respective boards and committees.

FROM THE FLOOR: Move.

THE MODERATOR: So moved.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.
[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, the Chair would entertain a motion for all Town employees who are not residents of the Town of Falmouth to have the right to speak on all issues before this Town Meeting.

FROM THE FLOOR: Move.

THE MODERATOR: So moved.

All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, No.

[None opposed.]

THE MODERATOR: The Ayes have it unanimous.

At this time, I’d recognize the Planning Board for notification of public hearing.

MR. DREYER: Mr. Chairman, the Clerk -- my name is Paul Dreyer, Clerk of the Planning Board, Town Meeting member Precinct 2.

Pursuant to Article 5 of the Charter, a public hearing was held on October 4th, 2016, on
Article 5 and all wishing to hear – to be heard, were heard at that time. Thank you.

THE MODERATOR: Okay, thank you.

I want to make an announcement that the Falmouth Service Center will be doing the turkey drop off day for turkeys or chickens plus fixings on Sunday, November 20th from 12:00 to 4:00 in the afternoon over at the Service Center at 611 Gifford Street. So again that’s November 20th from 12:00 to 4:00. You can bring over turkeys, chicken and fixings.

At this time I’d ask all Town Meeting members to go to the last page of your warrant book. We’re going to go through the Rules real quick. I want to remind you that at the last Town Meeting we’ve adopted a series of time limits which are outlined in the rules, here. So we want to make sure we call your attention to the time limits that we’ve added to Town Meeting Rules.

Number one: Speaking and Voting.

Registered voters, residents and taxpayers of the town may speak on any article in the warrant.

Persons who are not voters, residents or
taxpayers of the town may address the meeting
only with the consent of a majority of those
present.

Only Town Meeting members may vote.

Time Limits. Reports of committees and
officers shall be limited to 5 minutes unless a
request for additional time is made and approved
by a 2/3rds vote.

Opening presentations for motions shall
be limited to ten minutes unless a request for
additional time is made and approved by a 2/3rds
vote.

Speakers may only speak twice on any
motion. Speakers shall be limited to 4 minutes
on their initial speech and 2 minutes on their
second speech. Limits on speaking shall not
apply to the answering of fact-based questions
directed to the speaker through the moderator.

Motions and Amendments. Motions and
Amendments may be made only by Town Meeting
Members.

Two amendments will be accepted on any
article.

Long or complicated motions, and other
motions which he shall so request, shall be
presented to the Moderator in writing.

Reconsideration. Reconsideration will
be allowed at any time during the meeting if the
article does not involve the appropriation of
money.

If the article involves the
appropriation of money, notice of reconsideration
must be given within 30 minutes of the vote on
the article. Reconsideration may then be allowed
at any future time.

The Moderator shall determine if the
motion to reconsider is in order. Motions for
reconsideration must be based on substantially
new information not available to the Meeting at
the time of the original debate. The motion to
reconsider is not debatable.

Our hours of operation: seven o’clock on
the first night; subsequent nights at seven
o’clock; and we’ll close at 11:00 unless a motion
to continue is made and approved by a two-thirds
vote.

Okay, we’re going to begin tonight with
a blanket vote. What I will do is I will go
through each of the articles in the warrant with a brief description and call your attention to the recommendation. If you would like to debate the article or want to make an amendment or a change, don’t like the main motion, just stand up and yell “Hold” and we’ll hold that article. I’ll go through the warrant once with a brief description of each article, then I’ll run through it a second time just by number. And then I’ll entertain a motion from the Finance Committee to accept all articles that were not held as recommended as the official action of this Town Meeting.

Article 1 to hear reports is a hold.

Article 2, to appropriate a sum of money for unpaid bills.

Article 3, to amend the Code of Falmouth, non-criminal disposition.

Article 4, to amend the Code of Falmouth for the Design Review Committee.

Article 5, notice the recommendation says “Board of Selectmen”; it should say “Planning Board”, but this is to vote to amend the Code of Falmouth Design Review Committee.
Article 6, vote to amend the Code of Falmouth for Falmouth Historic Districts exclusions.

Article 7, to accept the provisions of Chapter 83 of Section 15C of the Massachusetts General Laws for unpaid balance of sewer betterment assessments.

Article 8, vote to accept the provisions of Chapter 83, Section 15D of the Massachusetts General Laws relative to a period of apportion of future sewer assessments or unpaid balances.

Article 9, to update the goals and policies of the Local Comprehensive Plan for the Historic Character element.

Article 10, to update the goals and policies of the Local Comprehensive Plan for the Transportation element.

Article 11, this is dealing with a home rule charter change for allowing electronic vote counting and a recording system.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 12 is a hold, also, and Article 13 is a hold. We have a
presentation on electronic voting, so I’m going
to just hold all three of those.

Article 14, to authorize the Board of
Selectmen to petition the General Court. The
recommendation is indefinite postponement.

Article 15, to amend the Town’s
Classification Plan.

FROM THE FLOOR: Hold.

THE MODERATOR: Hold.

Article 16, to amend the Town’s
Classification Plan by adding a Fleet Services
Manager and deleting a Master Mechanic.

Article 17, to amend the Town’s position
Classification Plan by adding a Facilities
Manager and deleting a Facilities Maintenance
Manager.

Article 18, to transfer the sum of
$440,000 from Certified Free Cash for
professional technical special counsel services
and professional technical contractual services.

FROM THE FLOOR: Hold.

THE MODERATOR: Who’s holding that
one?

Article 19 is a hold. This is a capital
improvement budget.

Article 20 is a non-capital project budget. We’ll hold that one, as well. When we get to those, we’ll actually go through them line item by line item.

Article 21, to transfer the sum of $75,000 from Certified Free Cash for a shellfish nitrogen mitigation option program.

Article 22 is a hold for the recommendation to be made on Town Meeting floor.

Article 23 –

MR. SHEARER: Hold.

THE MODERATOR: Mr. Shearer.

Article 24, to authorize the Board of Selectmen to purchase or take by eminent domain land in Teaticket. The recommendation is indefinite postponement.

Article 25, to appropriate a sum of money for the purchase of design and construction of a new athletic field. The recommendation is indefinite postponement.

Article 26, to appropriate a sum of money for the design and engineering services for a new Senior Center. The recommendation is
indefinite postponement.

Article 27 is a vote to transfer the sum
of $650,000 for the purchase of a conservation
restriction.

MR. DUFFANY: Hold.

THE MODERATOR: Hold, Mr. Duffany.

Article 28, to appropriate the sum of
$800,000 from the Fiscal 2017 Community
Preservation Estimated Revenues to a Community
Preservation Budgeted Reserve.

Article 29, to vote to appropriate the sum of
$90,120 from the Community Preservation
Undesignated Fund Balance to the Community
Housing Reserve.

Article 30, to vote to appropriate the sum of
$65,150 from the Community Preservation
Undesignated Fund Balance to the Historic
Preservation Reserve.

FROM THE FLOOR: Hold.

THE MODERATOR: Article 31, to transfer the amount of $300,000 to the Affordable
Housing Trust Fund for related expenses of the
Falmouth Housing Coordinator for three
consecutive years.
Article 32. This is Community Preservation Fund administrative expenses. The recommendation is indefinite postponement.

Article 33, to vote to appropriate the sum of $60,000 from the Community Housing Reserve to the Falmouth Human Services Department’s Community Housing Support Program.

Article 34, authorize the expenditure of funds from Article 43 of the November, 2012 Annual Town Meeting for the purpose of exterior historic preservation capital improvements to the Conant House located at 65 Palmer Ave.

Article 35, to ask the Moderator to appoint an independent review committee to look at Town department consolidation actions.

FROM THE FLOOR: Hold.

THE MODERATOR: Who held this one?

Article 36, to vote to advise the Board of Selectmen to authorize the approval of speed indicator signs next to 208 Quissett Avenue. The petitioner has asked that it be withdrawn and the recommendation is indefinite postponement.

Okay, we’ll go through one more time by number.
Article 1 is a hold.


Article 9. Article 10.

Article 11 is a hold, 12 is a hold, 13's a hold.

Article 14?

Article 15 is a hold.

Article 16. Article 17.

Article 18 is a hold. Article 19 is a hold. Article 20 is a hold.

Article 21.

FROM THE FLOOR: Hold.

THE MODERATOR: Who’s holding this one?

Article 22 is a hold. Article 23 is a hold.


Article 27 is a hold.

Article 28. Article 29.

Article 30 is a hold.

Article 31. Article 32.

Article 33 is a hold.

Article 34.

Article 35 is a hold.
Article 36.

Madame Chairman for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move that all articles that have been passed and not held be and hereby are adopted as recommended as the official action of this meeting, and that the necessary monies for the same shall be raised and appropriated or as otherwise specified.

THE MODERATOR: Okay, you’ve all heard the main motion to accept everything that wasn’t held as recommended. All those in favor, signify by saying aye.

[AYE.]

THE MODERATOR: All those opposed, no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

Madame Chairman.

CHAIRMAN VOGEL: I hereby serve notice of reconsideration of all articles passed under the blanket vote.

THE MODERATOR: Okay, notice of reconsideration has been served.

Article 1, to hear reports of committees
and Town officers. Madame Chairman for the main motion.

CHAIRMAN VOGEL: I move Article 1 as printed.

THE MODERATOR: As printed, okay. I have a few committees, here. The Board of Selectmen.

CHAIRMAN JONES: Good evening. Thank you for giving me this opportunity to give you a brief update on the status of the new Falmouth Senior Center.

About a month ago the Board of Selectmen unanimously voted to choose the Gus Canty Senior Center, that lot, as the site for the new Senior Center. This choice was unanimously supported by the Recreation Committee and the Counsel on Aging. We have a very rough schematic design of what it’s going to look like.

Our time table - on the next slide - that we’re going to be using to move forward on this is between now and the April Town Meeting we would like to move forward on finalizing these plans, revising them with substantial public input, to make sure that we can come to April
Town Meeting with a detailed schematic design and
the construction costs and design costs for
request of the support of this Town Meeting.

If Town Meeting passes that, we would
then have the ballot on the May ballot - the
question on the May ballot for a debt exclusion
to be able to fund the design and construction of
the Senior Center.

At the same time, the Board of Selectmen
will be working with the Falmouth School
Committee to figure out the best timing and way
of funding the relocation of the football field
out to the high school.

In other news, in May of this year the
Board of Selectmen also signed a license
agreement with the Coast Guard to take over the
maintenance of the Nobska Lighthouse. And the
Friends of Nobska would like to give a brief
presentation on the status of that project.

MS. BUMPUS: Hello, I’m Catherine
Bumpus. I’m a Precinct 1 Town Meeting member
and - can we pause it for just a second? And
Executive Director of the Friends of Nobska
Light. And I appreciate the Board of Selectmen
giving us this opportunity to address you.

Rather than go over time, I would just say – ask the board members who are Town Meeting members to please stand up and say any of them will be happy – Susan and Charlie – any of us will be happy to answer questions at the break. And then we have a two minute video for you.

[Video played.]

[Applause.]

THE MODERATOR: Okay, next I have the Community Preservation Committee.

MS. CARMICHAEL: Good evening, I’m Virginia Carmichael, the current chair of the Community Preservation Committee.

During the past year the staff of the Community Preservation Fund and the members of the Committee have been monitoring 41 projects supported by Community Preservation Funds, and 14 of those were completed during the past year. I’d like to show them to you now.

Okay, next.

This is Oyster Pond before Oyster Pond Environmental Trust started clearing away the invasive noxious Phragmites. This is Oyster
Pond after. And it’s an ongoing project. You’re never through getting rid of Phragmites. So they hope to keep working on that. They’ve had Americorp volunteers and other volunteers helping and they’ve been working for over three years. They haven’t finished even Oyster Pond yet.

Also, the Oyster Pond Environmental Trust purchased 29 acres of the Yannish property, which forms the watershed of Oyster Pond and have created a conservation area in perpetuity with walking trails.

The Falmouth Housing Corporation completed an 11 apartment affordable housing development in Woods Hole called Notantico Woods, and all those apartments are rented to families and individuals. The Falmouth Housing Trust built three homes and sold them to income eligible families on St. Mark’s Road.

The 300 Committee improved Teaticket Park with a walkway, an ADA accessible boardwalk, a path through the wetland and an observation platform. Soon, the 300 Committee will add an outdoor classroom, a picnic grove, additional
planting and educational signage.

Parks and Playground Department has really been busy this year. They have replaced three dilapidated playgrounds with colorful new ADA assessable equipment and replaced the ruined tennis and pickle courts at Swift Park. This is Morse Pond, East Falmouth Elementary School playground, Goodwill Park, Swift Park. They also installed a basketball - a fence around the basketball court at Sandwich Road playing fields. And they also restored the historic Village Green fence with the original black locust wood - I don’t mean the same, but they used black locust wood. And this is a photograph last fall before it had been painted.

The Falmouth Public Library completed a huge project to digitize all of its historic documents and records, and they’re now all available, searchable, on the website. So any of you have access to all of the historical records and documents that the library has. It’s an amazing feat.

The Department of Public Works completed a reconstruction of the old dock in West Falmouth
Harbor, and in the process restored the original pink —
Back — yeah, back. Go back.
The original pink granite footing of that dock. It’s a beautiful stone work. They really did a fabulous job with that.
And then, the next one, the Housing Assistance Corporation, which serves families — mothers and children who are homeless, replaced its deteriorating windows with ones that will remove — relieve the draftiness of the house, improve safety and cut way down on maintenance.
For additional information, please check our website: cpfundfalmouth.org. And there is a form you can use to give us feedback, to ask us questions, to tell us about possible projects. Or call the office in Town Hall. Thank you.

[Applause.]

THE MODERATOR: The Falmouth EDIC.

MR. GALASSO: Thank you, good evening.

I’m Michael Galasso; I’m the Chairman of the Falmouth EDIC. On behalf of the EDIC Board of Directors, I would like to present our Annual Report to you this evening.
In 2014, the EDIC entered into a 99 year ground lease with Mass. DOT, which included the Falmouth Station building and the surrounding three acres of undeveloped land and parking lots. For many tourists and travelers, the Station is their first impression when they arrive in our community and it had fallen into disrepair.

In conjunction with the ground lease, Mass. DOT is also providing the EDIC with a grant of 1.4 million to renovate the Station and use its former – into its former historic glory.

On November 2nd, we celebrated the start of the renovations with a ground-breaking ceremony attended by many of our political leaders, who assisted the EDIC in negotiations with Mass. DOT. The Station and the surrounding grounds are now under local control.

Next, please.

Construction commenced the day after the ceremony and is scheduled to be completed this spring.

Next slide, please. Next slide.

The second phase of the Station project is a construction of a connection between the
bike path and the Station, that you see here on
the slide, with a wooden bridge across the
existing railroad tracks that are still there.

Next slide.

Just last November, Town Meeting
approved the rezoning of approximately 45 acres
of the Town landfill to permit the development of
a six megawatt solar renewable energy development
which, when completed, will provide the Town with
an annual energy savings of almost $750,000, and
over the next 20 years, close to $12 million in
savings.

Next slide, please.  Next slide.

The first phase of four megawatts will
be completed by the end of this year, and provide
the Town with over five million kilowatts
renewable energy, at a savings of over – over our
current rate, which we pay to Eversource, of
close to $500,000 a year.

Next slide, please.

If you include the ground lease payments
our selected developer, Citizens Energy, is
paying to the Town, the total benefit to the Town
from the first phase of four megawatts is close
to $650,000.

Next slide, please.

[Video played.]

MR. GALASSO: So construction is almost completed, and by the end of December we’ll be plugged into the grid.

We hope to commence with the second two megawatt phase of the solar at the landfill project next spring, which could bring an additional $250,000 in savings to the Town. And then to develop a third phase, which is the Community Solar Project, which will provide low cost renewal energy to over 200 households in our community.

EDIC goals for 2017. Complete the renovation of the Falmouth Station. Complete phase one of the solar at the landfill. Rezone the adjacent landfill parcel for community solar project; we hope to be back in front of you in April for that request.

Complete the housing demand study. We need more affordable housing for our current workforce or we’ll continue to lose them. So we’re funding a housing demand study, which will
be completed the first quarter of next year.

Raise funds for the Bikeway/Station connection. Invite local entrepreneurs to participate in an Annual Pitch Contest. Work with Open Cape to determine how best to connect more Falmouth businesses and residences to one of the fastest Internet networks in the country.

Complete the redesign of the EDIC web page and help the Town develop the new Senior Center.

Thank you very much.

[Applause.]

THE MODERATOR: Any other committees like to make a report? Solid waste.

MS. DAVIS: Hi, there. Linda Davis and Precinct 8, and I’m with the Solid Waste Advisory Committee. I am one of a seven member committee that has come together to deal with trash, recycled materials, and basically how we deal with waste reduction.

My committee includes Ruth Brazier, Ginny Gregg, Bill Peck, Chris Poloni, Mark Finneran, John Snyder and of course myself. We’ve been together for a year, now, and it’s been a good thing. We’ve learned to recognize
each other’s strengths and skills and we’ve come
together to do some positive things over this
year.

We were able to help support getting a
$19,000 grant for the Town in recycling
initiatives. We’ve attended workshops,
seminars. We’ve tried to get the word out on
how to deal with toxic waste and materials.
We’ve been off-Cape, looking at facilities that
do recycling. We’ve met with Mr. Peter McConarty
and Mr. Jim Grady, along with Mr. Jack and on
occasion Mr. Duffy; they’ve all been extremely
cooperative and supportive and it’s been a very
positive thing.

One of the things that has come out this
year in doing all the different things that we
have done is that we definitely see the need for
a comprehensive, town-wide, integrated waste
reduction plan. And, what we mean by that is
that everyone, every entity, every building –
every Town building, every school, the beaches,
public facilities, Goodwill Park and the like –
all need to be on the same program for dealing
with waste and recycling and trash.
And so we are hoping that, come the beginning of this year, that we are going to bring more details for discussions with the DPW, with the Selectmen and the schools and other entities, with the hope that we can develop, make recommendations to the Selectmen on a comprehensive, Town-wide policy, so we are all on the same wavelength in dealing with our trash and recyclables.

And, the guidelines that we will be using as we develop these recommendations will be based on reducing, reusing, re-purposing and recycling resources. And always, always considering what this policy or plan and the strategies that go with it will affect - how it will affect our environment and ultimately our groundwater, and also how we can implement a Town-wide policy that is also - also helps to reduce taxpayer cost. Because how we get rid of our trash, how it’s hauled and how it’s disposed of, costs money and we need to reduce those costs.

Now, while I have your attention - you’ve been looking at this. Tomorrow is
America Recycles Day. This is an initiative that was developed by Keep America Beautiful. And it does ask all of us to reaffirm our commitment to doing the right thing in handling our trash and recyclables.

Now what I’m going to do is I’m going to repeat this. I’m going to pledge this to all of you. You’re going to be my witnesses. You can come look at my trash, anytime. And I would like you, silently, to do the same. And if, together, we can make a commitment to reaffirm this and what we do with our trash and recyclables, Falmouth will be a better place.

Anyway: I pledge – I’ll read this from here. I pledge to learn. I will find out what materials are collected for recycling in my community. And I do not know all of them, even though I’m on this committee. I can go to the Waste Management website or I can actually call the hauler and ask him questions.

I pledge to act. Within this month, I will reduce the amount of waste I produce. I will recycle more and I will buy products made with recycled content. I will try hard to do
that.

And, I pledge to share. In this next month, I will encourage one family member or one friend or three Town Meeting members that live right next to me — Margo Finnell, Leslie Lichtenstein, and Louise Houle — to take this pledge. And together we can work toward reducing trash in our Town.

Thank you.

[Applause.]

THE MODERATOR: Okay, any other committees to make a report? Yes, Mr. Lowell.

MR. LOWELL: Hello, Nick Lowell. I’m a member of the Lawrence School Building Committee and I just want to give a brief project update.

Next slide.

So, where the project is right now. Unfortunately we’re not at Lawrence School. Of all the meetings to switch, like, this is the one. But the project is now 99 percent complete, which means that there’s only $36,000 worth of work remaining. That consists — the most significant part of that is two doors were
mistakenly ordered by the contractor with letters left and should have been right. Or, maybe it’s the other way around.

About a hundred items on the punch list. Those are things like daubs of caulk that need to be cleaned up. Or trim that doesn’t quite come together well enough. Basically, relatively minor things. A couple of very minor change orders and a bunch of paperwork that’ll need to be closed out. So right now the Town – $36,000 worth of work that’s remaining; the Town’s holding back $174,000. So we have quite a bit of leverage to make sure they really finish up that last one percent.

I did want to discuss the change orders because there were a couple of them. The two most significant ones, or three, were the window shades. So the original plan had been to remove the old window shades, store them, and put them back up. And in the course of the project we realized that those window shades were in really bad shape and it would be – if you were ever going to replace the window shades, the time to do it was while you had them off and put up new
ones; it would make everything easier. So we did go ahead and do that. It’s a lot of windows, so it’s almost $27,000. But it’s a – it’s felt like it was a good investment.

Likewise on the gutters. On this picture, it’s a little hard to see, here, but there’s a whole bunch of scaffolding that went up in the back of the building. In the area above the cafeteria where it was impossible to reach with your standard lifts they had to put in scaffolding, and the realization came that, if there was ever going to be a time to replace those gutters, it was while that scaffolding was already up. It would have been more expensive to put scaffolding up than to actually do the gutter work.

So the gutters were added on along the back. There will probably need to be more work on the gutters later.

And then the roof over the cafeteria had some work that needed to be done. It made sense to do it in the course of the project, also.

And then there were five other changes.

Some of those change orders actually brought
money back to the Town.

Next slide.

Okay, so where we are on the budget is
we’ve got the original project appropriation was
for $3.9 million. The anticipated cost to
complete is 3.2 million. So the project’s
roughly $700,000 under budget at the moment.

And then the - you recall that on the
Lawrence School project, this is a Mass. School
Building Authority project. And we’ve submitted
over $2 million worth of invoices. They’ve paid
us back, as of Friday, $790,000. And we expect
to get probably another $200,000 for the
remaining $669,000.

So, in summary, the project is nearly
done. I wish you guys could see it. The
project’s within budget, substantially within
budget. The Mass. School Building Authority
reimbursement is on track. And there has, most
importantly, been very positive feedback from
students, parents, staff.

And if we look at the next couple
slides, you’ve got just a couple pictures of in-
progress. I really encourage you to come by and
take a look. This is showing the back where the
cafeteria and workshops were when the windows
were removed, and then the windows gone back in.

Next slide.

Shows the front of the building, when it
was in progress on the left and the finished -
the finished product on the right.

And an interior. If you recall that
one of the main points of doing this work was,
besides the fact the windows were falling apart,
there was also that major safety concern. And
these new windows are awnings-type; they open up;
they work; anybody can operate them. It’s a
major, major improvement.

But, if you at least drive through the
parking lot, if you don’t even get out, because
it really looks a lot better.

Thank you.

[Applause.]

THE MODERATOR: Okay, Mr. Jack.

MR. JACK: Thank you, Mr. Moderator,

Town Meeting members. Raymond Jack, Precinct 9,
Director of Public Works. And thank you, Nick,

for not elevating this microphone so I’d have to
fumble with it trying to get it down.

I just have a short presentation followed by a short video. This is for the Little Pond Sewer Service Area project as well as the Long Pond Water Filtration Plant.

Next slide.

Original construction value on the Little Pond Sewer Service Area was 20.4 million. Currently it’s at 21.5 million, which is about five percent above the contract value, but both of these projects are well under budget and will finish under budget.

At present, it’s over 83 percent complete. All of the mains were done as of November, which last week was when they finished the last main and service connection, so there is a little bit of paving to do, but that has to wait until the spring, because these are on the roads that we recently excavated. So that’s going to have to wait.

But the good news is the heavy construction is over, and on a 24 to 26 month project we actually got it done in about a year and a half.
Next slide.

So this is the cash flow diagram. I think that what’s important here: you can see that the blue line represents the original budget; the yellowish-green line represents the adjusted budget; 17.8 million is what was paid out on the project so far. But what’s important about the graph is that the three lines are staying and running close together, and that’s how a project like this should operate.

Next.

This is where we started on Little Pond. This was Jericho. And, as you can see, it was a pretty busy trench. It was over 20 feet deep. So, it was a lot of work. They almost parked out there for quite a while and it took a while to get things situated so that they could move quickly.

Next.

And this is where we’re finishing up. So you can see that it’s not going to be a lot of slides on this presentation. I should have numbered them down at the bottom, so you would know what kind of slide ride you’re going to be
on, anyway.

Next.

This is one of the lift stations we built. There were two lift stations. One was at Springs Bars and one was at Alphonse. They’re virtually identical. So this is what the finished product looks like on the outside.

Next.

This was the Springs Bars Road, right next to the mall.

This is the interior of both of these lift stations. What’s in the center is the emergency generator and on the right are some of the power control panels.

Last year at this time when I gave this presentation, this is where we were on the Little Pond Sewer Service Area map. The only work being performed was in the Falmouth Heights area. The yellow represents mains that were installed and the blue represents service connections up to the curb from those mains.

And then of course this is where we are now. The project is complete in both Falmouth Heights and Maravista.
For the Long Pond construction, the original contract was 40.9 million. Currently we’re at 40.7 million. So it’s slightly under the original contract value and well within the budget. It’s about 85 percent complete. We expect the start-up to start to occur around February.

No, that’s okay, go ahead.

So, for the cash flow, same thing as the Little Pond Sewer Service Area. What’s important here is that the lines run very close together. So you have the original contract value of 40.9 which is the yellow line. 40.7 is the straight blue line; that’s the adjusted value. And 32 million is what’s been paid out on the project so far.

This is the back area of the building where the garages are located.

Then we have the southeast corner of the building. This is one of the larger areas where the major pump chambers are. And off to the right, although you can’t see it behind that pile of dirt, is an 800,000 underground – 800,000 gallon underground tank along with two other
tanks for the backwash cycles.

I know that these are kind of busy, but this is what some of the plant interior looks like, and that’s where most of the work is going on now. So the overhead duct work is going in and unfortunately most of the other work you wouldn’t be able to see because they’re in the filters and/or dissolved air flotation units which are actually almost two stories high. So, they’re buried in the floor and they come out on the first floor.

This is the area down by the pump station, which is next to Long Pond. This shows the jogging path that goes around the pond where it was restored in that area. Off to the left is where the actual pump station is.

So this is where you were when the project started in June. It was basically just a big hole in the ground.

This is where we were when I made this presentation last year.

And this is where we are now.

I have a short video. It should only take a minute.
1 [Pause.]

2 MR. JACK: I knew something had to go wrong here.

3 [Laughter.]

4 [Video played.]

5 MR. JACK: Now that was this Saturday.

6 I don’t know who’s going to get best video tonight, but I was hoping for the best soundtrack, at least.

7 [Laughter. Applause.]

8 MR. JACK: Thank you.

9 THE MODERATOR: Okay, Mr. Fox.

10 MR. FOX: Good evening. I’m Jim Fox, present Chairman of the Planning Board. And my purpose tonight was just to give everyone a head’s up. We’ve been working for two years on accessory apartment bylaw and we’re just in the final stages of it right now.

11 Next month, you’ll all be getting a copy of it sent to you and we’re inviting you to participate. If you have any questions at all, sometime in December we’re going to be having a hearing, and if you have any questions on it, we’d like you to come.
We’ve had three public hearings already on it and have done a lot of outreach. We just want to make sure you all – one, you know it’s coming, and if you have any questions, please come to our meeting.

That’s it. Thank you very much.

[Applause.]

THE MODERATOR: Okay, any further committee reports? Last call on committee reports.

The question will come on the main motion to accept the reports. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

The next Article that was held is actually Article 11. Eleven, twelve and thirteen all deal with electronic voting, and so I had been asked prior to the meeting if we could take Article 13 first out of this series, have a presentation about electronic voting, then have a
debate and decide whether or not we want to head in that direction. And then the other two are some housekeeping that we need to do for the Charter and Bylaws in order to use the devices should we choose to move in that direction.

So, by a call of the Chair, I’m going to take Article 13 next.

Madame Chairman for the main motion.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 13 as recommended.

THE MODERATOR: As recommended. This is to vote to transfer the sum of $14,750 from Certified Free Cash for the purposes of purchasing electronic voting equipment for Town Meeting.

We have an ad hoc committee that was appointed under the Rules Committee to research this issue and to bring it forward, and I’ll turn it over to the committee for their presentation.

Mr. Keefe.

MR. KEEFE: We don’t have any videos, I’m sorry.

[Laughter.]

MR. KEEFE: It’s tough to get an aerial
shot of something about the size of your wallet, so.

We’re a little – we’re out of order in terms of, number one, the Article presentation, but also with our slide deck within the PowerPoint.

If we could start the deck over because there’s a quick review of where we are in terms of how we got here.

Okay. So, as introduced at the Spring ‘16 Town Meeting, we are the Rules and Procedures Electronic Voting subcommittee. Myself, Brian Keefe, Nick Lowell, and Judy Fenwick. So we were compelled to respond to various requests to review the vote tallying procedures associated with the Town Meeting process.

We looked at a number of different options, including how the standing vote was conducted, using a couple of other – the ballot-type responses. Ultimately looking at electronic voting as a vote-tallying process that might accelerate the process overall.

So we did take a lot of time to look at all of our options. We looked at impacts and
number one the technology and number two the bylaws and the Home Rule Charter that was going to be impacted and what that - what adjustments needed to be made in order to make this legal as a vote tallying method.

So, next slide, please.

Ultimately we selected one specific vendor within the electronic voting market and we found that the Turning Technologies was by far the most respected and cost effective solution for our needs.

So, with this, November 16, we’re now prepared to submit to Town Meeting a request for changes to the bylaw, to the Home Rule Charter, as well as the funding change.

Now, next slide.

So, these are the cards. Like I said, they’re about the size of I referenced a wallet earlier, but they’re about the size of a business card, each response card that we’re going to be using. And not only that, we have two options. The one in the upper left is actually what’s called the RFLCD, which has an LCD screen which will visually confirm back to the user their
selection.

The lower right is what’s called an RFA, or Accessible, for those that have accessibility needs, such as the visually impaired. Instead of the visual screen, the buttons have a Braille sensitivity on the pads themselves, and they will vibrate to confirm that your vote was received and tallied.

On the lower left is the actual receiver, that, it’s a USB port that will be plugged into any laptop. There is a software installation that will need to happen on that laptop, but it runs concurrently with any PowerPoint presentation.

So, we will need to train the users a little bit, but it’s basically just adding an additional slide.

Next slide, please.

So it’s basically adding an additional slide with any article that will require it. So this is what you’ll see. In the lower left, you see the response card. Across the top is the menu options and where you see in the top right that the polling is open, and as that rolls,
we’ll see the number of responses that are received. And we can – the Moderator can call voting to be closed.

Next slide, please.

And we’ll see a count of the number of votes that went to each, yeah or nay in that regard.

So, next slide. I’m sorry, two slides, please, because we’re taking articles out of order.

So, Article 13, overall, we were able to make some adjustments to the overall cost that we might be expensing towards this initiative. Specifically the hardware costs, we were able to negotiate a small discount because of our use frequency and our overall use case. This is a technology that is moving into the town meeting space, so they were eager to work with us to get that off the ground further than the towns that are already using it.

Additionally, the software license. There is an annual software license. That $1200 is included in the $14,000 that we’ve requested as part of this article. So, in subsequent
years that $1200 will need to be included most likely in the overall Town Meeting budget as an operating line.

That is – that line represents a 50 percent discount over what is typically charged on a per-user basis. We were able to leverage our bi-annual meeting schedule to get that down to a reasonable range.

And then, additionally, based on work flows from the presentation corner, in order to support the needs of IT, we budgeted for an additional laptop and a projector. So, if for some reason the workflow doesn’t work, we’re throwing a slide in line with the existing PowerPoint presentation. This will allow us an alternative screen to manage that vote tallying outside of the presentations that you’re seeing.

And then we also budgeted an additional amount for additional contingencies, including the configuration setup and installation of the solution, so that we can – we have some flex dollars to get this up and running.

So, for Article 13 – we’ll take 11 and 12 on their own – do we have any additional
questions regarding how we got here?

THE MODERATOR: Okay, we’ll open it up for discussion. Mr. [inaudible].

FROM THE FLOOR: I just have a question about how it would be implemented. Now we stand up when the vote is close; and then when we would be using the electronic thing, would we not stand? When will we discuss the way it will be implemented?

MR. KEEFE: So, overall the expectation is that the electronic vote response system, the clickers, would replace that standing vote. So, you’re welcome to stand while you click -- 

[Laughter.]

MR. KEEFE: -- but I’ll leave that up to you.

So, ultimately, so as we saw a few slides ago, the mostly blank screen. We just saw press A for yes and B for no. So, you’d just -- you would click the button for your intended response. The screen would flash back to you -- or, unless you had a visually impaired device, then it would vibrate to confirm your response. And, at that point, the vote would be tallied
without the standing vote.

FROM THE FLOOR: [No mic: inaudible.]

MR. KEEFE: So, that would be a gap. There would be a change in the visibility to how everyone’s voted until the vote was tallied. And, at that point, you would see a tally of the yeses and nos.

FROM THE FLOOR: [No mic: inaudible.]

THE MODERATOR: With a microphone, please, Mr. Brennan.

MR. BRENNAN: Sorry. So I’ve been told that in Framingham – I don’t know if it’s true, but I’ve been told that in Framingham the votes are right up on the screen as you go along.

MR. KEEFE: Uh-huh.

MR. BRENNAN: I’m wondering if we’re getting the right system because if we’re going to get rid of the standing, I’d like to know how the people at home are going to know what’s happening and ultimately will the votes be published, or? You know, how will that happen?

MR. KEEFE: So, us sharing a dialogue and the same microphone, we’ll bounce back and forth.
So, in terms of that visibility, this system will support that. However, because of the way our bylaws – and we’ll probably get into that more on Articles 11 and 12, but I’ll introduce it here – that, as of right now, that the initial vote is – is anonymous. Essentially. I mean, you’re standing so you’re visible, however your vote is not tallied as associated with your name, if that makes sense.

So, if that’s something – so, if we want to see your response live on the screen, this is a system that will support it. Based on the size of our body of Town Meeting, that might be visually a little bit tricky to manage. We have a lot of names and the name size will get pretty small. So, technically it can be supported.

However, within the constraints of our Charter, that would require a larger – – larger adjustment to the overall procedures. Does that – does that get to it? Okay.

THE MODERATOR: Mr. Netto.

MR. NETTO: Joe Netto, Precinct nine, a member of this committee, Rules Committee, who was in a minority vote.
I obviously did vote affirmative to
bring this in front of Town – of this membership,
Town Meeting.

I would like to speak against the
article and do not support electronic voting for
the democratic process that we were elected to
that we do as we sit here.

I’m sorry if I don’t run fast enough up
and down the aisle, because one of the things is
accuracy and speed. I think I can count – and I
know Mr. Dufresne isn’t here – just as well as
any electronic machine, but that’s not what I
want to talk about.

It’s ironic tonight that, as we talk
about this electronic voting, our Town Moderator
brought back the colonial custom of the Town
Crier bringing you to a democratic meeting.
It’s so ironic.

Maybe I’m just too old and can’t accept
all the new electronics, but I know this thing
doesn’t always work like Verizon told me. At
home, I get the blue screen. I’ve been assured,
by the fellow members on the committee, “Don’t
worry about that, Joe.” So I’m not going to talk
about those things. Or the $15,000 that you’re going to spend of the taxpayer’s money that right now costs the taxpayer absolutely zero for you to stand up.

But what I do want to talk about is the philosophy of the democratic process where there’s a vote taken and in the discretion of the moderator feels it’s close enough that we have to stand. So you as individuals stand, proudly I hope, on your belief of what’s in the best interest of the Town of Falmouth and vote yes or no how you feel those people who elected you would appreciate your voting.

Instead, we’re going to go to the clicker.

I can’t accept that. I will not accept that and I will vote against this article on those beliefs that we should stand up for what we believe in and for what those fellow citizens voted us here.

Now, there are capabilities for this system to have every vote published like our attendance is in the local paper. But I just wanted to share those thoughts with you.
Thank you.

THE MODERATOR: Okay, Mr. Latimer.

Mr. Latimer.

Can we have a mic down here for Mr. Latimer, please?

Our microphone carriers this evening are Dan Gleeson and Ashley Farland.

[Applause.]

THE MODERATOR: Mr. Putnam, I’ll put you on the list.

MR. LATIMER: Richard Latimer, Precinct one.

FROM THE FLOOR: Turn it on.

THE MODERATOR: You’ve got to –

MR. LATIMER: See what I mean?

I just want to expand on what Joe just said. I agree with him 1000 percent.

What calls to mind is first the old expression, “If it ain’t broke, don’t fix it.” I think Mr. Vieira does a very good job of deciding when a vote needs a stand up vote. He’s very good at that and our prior moderators have all been just as good at it.

What concerns me most about this is the
depersonalization of this process. We are a representative Town Meeting for over a 100 years, I guess. We used to be an open Town Meeting where the voters would all come and everybody would stand up and would state what they felt.

Now we represent our people out there, and the people who vote for us deserve to see what we’re doing and hear what we’re doing.

This technology, as wonderful as it may seem, well, if we start doing that, why would we even have to come to meeting? Why couldn’t we all just have our clickers, turn on the T.V. program, sit there, drinking our beer or whatever. Maybe next year smoking our marijuana.

[Laughter.]

MR. LATIMER: And do the voting there?

No, this is an important point.

I really enjoy this meeting when there is a close vote or actually when there’s not a close vote. But it’s close enough so that you have to have the voice vote because somebody wants it, you know, and then you hear that “No!” You know? That really sends a message both to us here and to the people watching at home.
But, with the clicker, it's just no, yes, no. That is not a political process. That is another passive sitting there, sitting there with your laptop, ignoring everybody around you. It is not time to make that change. It ain't broke, don't fix it. Let's keep Town Meeting the way it is.

Thank you.

THE MODERATOR: Okay, Mr. Swain.

MR. SWAIN: [No mic:] Charlie Swain -

THE MODERATOR: With a microphone, please, Mr. Swain.

Mr. Swain has the floor, Mr. Donahue.

If you'd like to get in line, we can do that.

Mr. Putnam's next.

MR. SWAIN: Charlie Swain -

THE MODERATOR: Let's keep the microphones until I recognize someone, please.

MR. DONAHUE: [No mic:] He placed it in my hand; he didn't want it.

THE MODERATOR: Yes. The list is growing. You know how this works.

MR. SWAIN: Charlie Swain from Precinct one.
And I’m against this article. Why do we have to change the way we’re doing it and just spend more money? If we’re going to spend the money, as Mr. Ray Jack said, the sound system here is good. The picture quality is terrible and I can’t make out half of the stuff that’s being shown us on the screen. I’d rather see the money go into improving that, rather than spending it on what we’ve been doing in the past that’s worked quite well.

Thank you.

THE MODERATOR: Mr. Putnam.

To the left.

MR. PUTNAM: Thank you, Mr. Moderator, Brent Putnam, precinct nine.

A question for the presenters. I just looked up on EBay, you can get these clickers for anywhere from $5 to $40 depending on new, used, whatnot.

Many of you know I work in the cybersecurity industry and so I have questions about the inherent security of this, what encryption and authentication technologies are used to ensure for example that someone from the general
public can’t pick one of these up off EBay and
walk in and start voting along with the rest of us.

Thank you.

MR. KEEFE: Sure.

THE MODERATOR: Mr. Keefe.

MR. KEEFE: I’ll respond to that quickly.

So, the communication channel between
the device itself and the receiver, the USB
doncle, is encrypted to 256 bit, and it uses a
rolling code similar to a garage door opener on a
very specific frequency outside of typical RF
frequency ranges. So, it’s a secure channel.

The devices are bound directly to the
receiver, so a new device would have to be
programmed and added to the receiver list.

Not only that, every receiver is going
to have to have a name associated with it. So,
it would have to be programmed by the
administrator for the software itself.

So they’re secure in terms of buying
your own off of EBAy, for example. That simply
won’t work. We would be able to – and if, for
some reason they were able to crack that
encryption and make a connection and submit a
response, we would see that on the device I.D.
So we would be able to filter that out on the
end.

THE MODERATOR: Okay, Mr. Donahue.

Ms. Lowell, you’re on the list.

MR. DONAHUE: Bob Donahue, precinct 3.

I’m in favor of this, and the reason I’m
in favor of this is because this will tell the
people that vote for us what our votes are. It
can be published in the Enterprise and it will
give some value to what we are doing, because
many of my constituents say, “How did you vote on
this?” or, “What was that?” And so, just for
the knowledge that it will give out to the
general public of this town, I think it’s well
worth it.

Thank you very much.

THE MODERATOR: Okay, Mr. Cook.

Oh, yeah, Mr. Lowell.

MR. LOWELL: I just want to clarity
something. Nick Lowell, I’m a member of the
committee.
What you’re describing is a roll call vote. And we have a procedure right now to do that. It requires 20 people need to agree that we would have a roll call vote. At that point under the existing system, Michael Palmer would start in alphabetical order from precinct one and call every person and ask them how they vote.

This system would allow us to do a roll call vote as quickly as any other vote, but under our existing rules we would have to call a roll call vote or change the rules such that every vote is a roll call vote, and then we would have a record.

So, just to be clear: the system does allow us to do that, but under our existing rules we don’t normally do a roll call vote and I don’t think anybody – at least, Andy Dufresne couldn’t remember ever doing a roll call vote at Town Meeting. Maybe somebody can, but.

So it is a little bit unusual under existing rules.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Mr. Chairman, in the article I guess it’s 11, when we start talking
about the changes, is this being — I thought — this is kind of funny. I thought that that would be the way this would — in other words, we would basically be taking a roll call vote on every vote that that we had. Including attendance. So that, here again, the public would know that Bob Donahue was at the meeting on today and, you know, and tomorrow and the day after if we have meetings that long.

MR. LOWELL: So, the system would allow us to do that, but we haven’t actually voted to do that.

MR. DONAHUE: But are we going to be able to —

THE MODERATOR: So let me interject a little bit. As Chair of the Rules Committee, we’ve discussed this at three Rules Committee meetings, and the decision at the Rules Committee level was to go forward with the request for electronic voting, utilizing the existing rules of Town Meeting, where I do a voice vote first; if I can’t determine it or if seven people question my determination of the voice vote, we then take a counted vote. In that case, the
counting vote would be pushing the button rather than standing and get an aggregate count.

If 20 or more individuals want an individual roll call where your name and your vote is listed, that procedure would still be the 20 or more requesting the roll call vote.

So the Rules Committee had discussed this and decided to use the existing procedures of how you do voting. The only difference is, instead of folks walking up and down the aisles or a clerk yelling out names, you’re pushing buttons.

MR. DONAHUE: Then I guess I’m against it because I feel that it should be for all votes and all votes should be recorded to the individual Town Meeting member.

Thank you.

THE MODERATOR: And so, again, that is something that we could change in the rules if we go to using an electronic system. It’s just at this point in time the Rules Committee wasn’t looking at changing the procedure for voting. Only the method, not procedure, the method.

Okay. Let’s see, next on my list was
Mr. Cook.

MR. COOK: Yes, Peter Cook, precinct six.

Many in this room know me if you’ve ever visited the library as a tech person. And often I am putting many tech solutions in and thinking of new ideas. However, I don’t always believe that technology is a solution to everything. Which comes to a shock to some people I know.

Sometimes a pencil works better than a computer. It’s more reliable.

One of the reasons I wanted to be a Town Meeting member is that I find the experience here a personal one, a group one, one that reflects Town feelings and Town votes, and I - you know, for me, personally, this is my version of sports. I’m not a sports guy; this is my sports. And I like to see the active participation.

So, even though I’m a tech person at heart, I vote no for this.

FROM THE FLOOR: Let’s vote.

THE MODERATOR: Okay, Mr. Donald.

Mr. Donald.

MR. DONALD: Malcolm Donald, precinct
six.

Will every roll call vote, is that going to be available to the public real time? Would they be able to get on a laptop and see how people -

THE MODERATOR: I think I just answered that question. So I’ll say it again.

At this point, the Rules Committee has decided that a voice vote would be used first, like we do now -

MR. DONALD: That’s not my question.

THE MODERATOR: If - if we - if we were to use these machines, it would be aggregate voting the second time, so there is no list of how you voted. And only in the case of a roll call request of 20 or more voters would a recorded count be made, and then it would have to be uploaded on the Internet at a future time. It’s not going to be real time.

MR. DONALD: Okay, all right.

Okay, thanks.

THE MODERATOR: Ms. Lichtenstein.

Need a mic in the back, that back section.
MS. LICHTENSTEIN: Lesley Lichtenstein, Precinct eight.

I use clickers in a large lecture hall. When they work, they are fantastic, they give you very rapid feedback. When they don’t work, they just slow everything to a dead stop.

So my question is: we do voice votes just like we’ve always done, however, instead of a standing vote, now we’re using a clicker. Okay, now someone says, “I’m challenging the clicker.” And that is at the point – is there something that – do we have some way of knowing?

A lot of times, my students will say, “Oh, no! I pressed this, and I pressed it and I know – I wasn’t getting any results.” Is there anything – is there any kind of failsafe on this system?

Okay, I just know from personal experience that sometimes they’re not as great as they’re billed.

THE MODERATOR: Ms. Fenwick, do you want to answer that one?

MS. FENWICK: Well, I’m not necessarily going to respond to that. But there is a
response screen on the clicker that shows that your vote went through. And it will show what you voted, right? So that’s there.

But, Mr. Moderator?

THE MODERATOR: Yeah.

MS. FENWICK: I just wanted to bring up a few points that haven’t been covered yet.

THE MODERATOR: Okay.

MS. FENWICK: Back in April, Michael Palmer and I did a field trip to Belmont, Massachusetts, that has been using this clicker system for about three or four years. We had researched several communities that have been using it and we chose Belmont for a couple of reasons, very anecdotal.

First of all, Nick Lowell has a relative who’s been a Town Meeting member for 30 or 40 years in Belmont. An elderly gentleman, but very thoughtful. And at first he thought he wasn’t going to like having this technology invade the traditional New England Town Meeting.

And I think maybe I should let Nick, even, speak to his response.

MR. LOWELL: Yes, so my uncle, who’s a
bit older, he was very opposed to the system, but
he loves it now. And he says it helps keep the
Town Meeting moving along. He feels like he is
definitely - he gets positive feedback that his
vote is being counted, and he has confidence that
the tally is accurate. And, when I heard that
from him, I said, “Hey, you know, we should give
this a shot.”

And I think that, you know, we don’t
have to do this, but there was definitely a push
for more accountability, more - you know, a
guarantee of accuracy. And pushing for
efficiency at Town Meeting has always been a
plug, you know. It’s only 8:30, but at 11:30, we
might be wondering, you know, why it’s taking so
long.

So, it is something that we’ve asked for
as the Rules and Procedures Committee. And, as
this Electronic subcommittee, we’re looking at it
because you guys asked us to come up with a
better system. And if you don’t want to do it,
fine. But, if you do want to do it, this is the
opportunity.

Thank you.
FROM THE FLOOR: Let’s vote.

THE MODERATOR: Mr. Alliegro.

MS. FENWICK: Um, Mr. Moderator, I hadn’t quite finished yet.

THE MODERATOR: Oh, oh, Ms. Fenwick.

MS. FENWICK: But – or do you want to go to him and come back to me?

THE MODERATOR: No, no, go ahead. Go ahead.

MS. FENWICK: Okay.

THE MODERATOR: And then we’ll go off to –

MS. FENWICK: So, as part of this field trip was to see just what the atmosphere was like at a Town Meeting that is comparable to ours, about the same size community, about 280, 290 Town Meeting members. And we saw the same level of debate, formality, informality and comfort. But all we saw that was a lot of the housekeeping had been not speeded up so much as it had been formalized.

So you would see votes take place when people came in and attendance was taken; it took 45 seconds. And that left more room for
I don’t know if Mr. Palmer would like to chime in with anything that you observed at that Town Meeting.

CLERK PALMER: I think my general experience from going to the Town Meeting, that it was very well received by the Town Meeting members from Belmont. Everyone we talked to said this is a system that they approved of and that it worked well and it was not taking away from the small town atmosphere of a Town Meeting -- they felt it was contributing to it – and the amount of debate that could still continue on.

But it was giving accuracy of the vote and, again, Nick did bring up the fact that we were asked to bring this up because we had a two-thirds vote that passed by one vote and that was at a .66 of a vote. So, you want accuracy, this is what you’ll get with a system like this.

But it was very well received in Belmont and only positive things that the people talked about using the system.

MS. FENWICK: And above all it would be used hardly at all at a Town Meeting. It would
only be for those items where the need was to
establish a viable count.

And if we’re not ready for it yet, it’s
okay.

THE MODERATOR: Okay, Mr. Alliegro.

MR. ALLIEGRO: Mark Alliegro, Precinct
seven.

And that was actually a point that I was
going to make: we may only use it a small
percentage of the time, but they’re going to have
to be ready a hundred percent of the time. And
I’m looking at the bottom bulleted item down
there. I see battery changes. I see name label
changes. I see needing to make sure that they’re
matched up with the properly identified people.
So what I see in a nutshell is more work for
somebody.

I would argue against.

THE MODERATOR: Okay, Ms. Lowell.

Microphone in the front, please.

MS. LOWELL: Vicky Lowell, Precinct
one.

I got in line way back, so most of my
concerns have been addressed. I just think
people would like to know that that elderly
gentleman is my two year old brother.

[Laughter.]

THE MODERATOR: Okay.

Ms. Murray.

MR. KEEFE: Mr. Moderator, may I respond to Mr. Alliegro’s comments regarding the last line?

THE MODERATOR: Sure. I don’t know if it’s necessary.

MR. KEEFE: So, a lot of that is just associated with the initial set-up. The expectation is that, once up and running that there’ll be very few adjustments. The batteries do last several years so those turnovers will be very small.

So, the initial set-up will be the bulk of it.

THE MODERATOR: Ms. Murray.

MS. MURRAY: Kathleen Murray, precinct 2.

My question is: what do you do? Sign them out as you come in and then you have to return them? Or, if you don’t return them, how
do you know that somebody doesn’t have them sitting around?

How do you control the distribution of these little gadgets?

THE MODERATOR: Mr. Keefe.

MR. KEEFE: So each device will – each device has a specific device I.D. on the back of the card and that will be attached to an individual Town Meeting member. So, yes, you will need to sign in. Your name will be found just like you sign in now. The difference is your name will be crossed off and your device will be handed to you.

At the end of the night, we do expect that you would return the devices.

MS. FENWICK: Can I also?

THE MODERATOR: Oh, yes.

MS. FENWICK: Having seen this in action at Belmont, we were there as Town Meeting members were coming in. They went to their precinct, got in line. There was a sheet for them to sign in, make sure their email address was correct and get their device, which was on a lanyard.
Then when they came out at the end of
the meeting, they just threw them into plastic
buckets on the way out and the staff re-organized
them. That all went very quickly on both ends.

And, I want you to remember there was a
time when we didn’t have PowerPoint
presentations, right?

[Laughter.]

MS. FENWICK: There was probably a time
before we had microphones. And this is just
another stage towards, you know, getting us even-
keeeled and injecting a little bit of technology
and not taking anything away, but adding to.

THE MODERATOR: Okay, Dr. Schneider.

I’ve got quite a long list, so let’s
start focusing on some new information.

Yes, here we go.

DR. SCHNEIDER: Just two things
quickly.

First of all, I get the feeling that
those of you who do like this were thinking that
the Enterprise, which is not owned by the Town,
it is a private business, would print all the
votes every single time. That would be pages and
pages if you imagine 210 people’s votes. That’s
not something that the Enterprise is obligated
to.

In my time -- this is my fourth time, I
think, being sworn in tonight -- I’ve never been
asked once how I voted. Probably because no one
wants to hear me go on and on about why. But
the truth is, I haven’t.

Secondly, I go to Chicago to help my
elderly parents, and they’re really in pretty
good shape, but I go there every month because I
help with bills. And if I told you how many
times my father has paid the wrong bill by
touching his IPad incorrectly, it’s unbelievable,
but it is every single month.

And I just want you to understand that
that is part of this that could happen. Along
with 15 or 20 people walking out of here with
them at night, and along with somebody spilling
water on them and so on and so on.

So I do think that technology’s
wonderful; it has it’s problems; and I think this
creates long lines checking in, long lines
checking out, and I’m not sure we really need
THE MODERATOR: Ms. Tobey.


My concern is that in order to manage these, we may end up having to hire somebody to keep track of them and put the batteries in and distribute them. I don’t know. I don’t see it working without spending some money to hire somebody to take care of these. And I’m not going to support it.

THE MODERATOR: Okay, Mr. Murphy.

MR. MURPHY: Yes, Mr. Moderator.

I’m typically willing to try something. Like we tried this evening to have our Town Meeting here. I surely won’t be voting for it again.

[Laughter.]

MR. MURPHY: But I’m willing to try something. This article is preceded by a couple of articles that would change our Charter. Meaning, there really is no way to go back.

I was willing to try this because I thought it would be an attempt to see how it
works. I surely am not willing to try to change our Town Charter. Because once we change the Charter, it will be very cumbersome to go back. If we all get frustrated and we want to throw these things away, guess what? We can’t until we change the Charter.

So, this goes together with that.

And the last thing I want to say is:

inevitably, any time when I think it’s important to use my clicker at home, it doesn’t work.

[Laughter.]

MR. MURPHY: So I just want to put all of that information in your head.

I was willing to try this and I voted for it originally, but if we’re going to have to change the Charter to do this –

THE MODERATOR: Mr. Murphy –

MR. MURPHY: – surely I’m not willing to do –

THE MODERATOR: I just want to clarify: the change to the Charter would say that we could use a standing vote or an electronic voting device.

So it wouldn’t bind us.

So, if we decided to throw the clickers
away later, the standing provision would still be
in the Charter. So it adds the flexibility but
it doesn’t lock us in. Just to be clear.

MR. MURPHY: Okay.

Either way, I was willing to try this
but not for the investment. I thought we could
lease them, try them for a meeting at one time.
I’m not willing to go down that road, personally.
Thank you.

THE MODERATOR: Okay, Mr. Putnam.

I’ll add you to the list too. You’re
on it.

MR. PUTNAM: Thank you, Mr. Moderator,
Brent Putnam, precinct 9.

I rise now to speak in favor of this
article and I ask that you all support it.

Very simply, it was already said: if you
want a roll call vote, ladies and gentlemen, this
is something that I’ve been looking for for
years: to give the public an opportunity to see
how we vote. Whether they ask or not, the fact
is is a lot of people want to know. And if we
make it easy for them to know, it’s better for
them, it’s better for us, it’s better for our
democracy.

But this is not going to happen. There will be no easy roll call vote without some sort of technology. And what we heard tonight is that this technology will make it possible.

We would have to make some changes in order to do that. It would mean that every roll call vote or every vote that we use the clickers for would then have to be a roll call vote. We don’t have that provision yet. But we have to take one step at a time, and the first thing is to adopt the technology that gives us the opportunity to do that.

And then, once we have the technology, then we can adjust our voting procedures and say we could have every single vote could be a click. And then it’s not using it – as Mr. Alliegro says – just when we need it, and discovering that when we need it it doesn’t work. It would be used every single vote that we take and every single vote would be a roll call vote and it would be click and we’re done and we’d be out of here in no time at all.

I ask for your support on this. Thank
THE MODERATOR: Okay, Mr. Finneran.

FROM THE FLOOR: Question.

MR. FINNERAN: I was just wondering in the three meetings you had and the analyzation of all this stuff, have you made any estimate of how much time this would save us?

And then - first.

MR. KEEFE: Okay -

THE MODERATOR: Mr. Keefe.

MR. KEEFE: I’ll respond to that first.

So, in previous Town Meetings, I was timing the standing vote taking anywhere from three to five minutes, with an average of just over four. The expectation is that this will take under a minute, including getting the vote up, giving the respondents the amount of time necessary to enter their vote, and then the tally from there.

At first, there will be some transition where it would probably take a little bit longer at first. But once everyone’s used to it, it’ll be under a minute.

MR. FINNERAN: So, some of these many
Town Meeting – many article meetings we have, we could easily save a half an hour an evening with this.

MR. KEEFE: Yes. That depends on the number of instances where a standing vote is required.

MR. FINNERAN: And I’d just like to point out one more thing.

I don’t know if it’ll make everyone happy, but in a contentious vote, it would deliver the sanctity of a voting booth. So you wouldn’t be worried or concerned how your friends, neighbors or whatever, that they knew how you voted.

MR. KEEFE: Correct.

MR. FINNERAN: And I like that.

THE MODERATOR: Okay, Mr. Latimer. Down here.

Yeah, he already spoke. He gets a second time. Only two minutes this time.

MR. LATIMER: Is this on?

Thank you, Richard Latimer, precinct 1.

Mr. Finneran just talked about the sanctity of the voting booth. Yet Mr. Putnam was
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1 talking about roll call votes so everybody knows how you’re voting. But they’re both in favor of it.

2 No, I mean, let’s get real, here.

3 These are being called a clicker, but I think Kevin mentioned when he picks up his clicker, but what that clicker actually is is a remote. That’s the correct term for them. I don’t think they even click anymore. You know?

4 But, it’s a remote. And what that means is that when I stand up on a vote that’s too close, I look at Andy Dufresne. Or now it’s –

5 MS. CUNY: Sandy.

6 MR. LATIMER: Sandy. I look at Sandy. I look at Sandy; she looks at me. That’s personal connection. And everybody out there who’s watching this can see me. If they happen to be wanting to know how I vote because I’m their representative, they can see me.

7 That doesn’t happen because this is a remote. This just means that I’m just clicking my little vote in and it’s going over to some receiver over there. That is depersonalization,
and we don’t need any more depersonalization in our community.

Thank you.

FROM THE FLOOR: Question, question.

THE MODERATOR: Mr. Young, something new?

MR. YOUNG: Bob Young, precinct 5.

I wasn’t going to speak on this article.

I’m glad Kathy Murray asked what are we doing to do with these remotes. That was my first question; that’s been answered.

My other question is: I know at home I have to change the batteries in that T.V. remote it seems, like Kevin said, every three or four months. So these things are going to be sitting in a bucket somewhere for six months. We have Town Meeting twice a year. Somebody in Town Hall is going to have to change all the batteries in these things maybe a week before Town Meeting.

And once we start to use them, how do we know that it’s even working? It may say on the screen that the vote went through, but how do I know that it went through? I’m against this.

THE MODERATOR: Okay, Mr. Shearer,
something new?

MR. SHEARER: Dan Shearer, precinct 6.

For years, or the last four or five

tyears, I really love these machines up here for
your hearing. They’ve been very good. I see
they’re all on the platform up here; nobody seems
to be using them. I think it’s because I tried
two, and they’re not working.

[Laughter.]

MS. FENWICK: Mr. Moderator.

THE MODERATOR: Is Mr. Carlson still

here?

FROM THE FLOOR: No.

THE MODERATOR: No? Is there anybody

here than can get these things to work if we’re

paying for ‘em?

So, anyways, if somebody’s at television

listening or whatever, I’ve got a contract paying

for a device that’s not working. So let’s fix

it so that Mr. Shearer can use it.

All right, Ms. Szuplat, something new?

Yes, stand up, Peggy, so they can see

you for the mic.

Remember, in order to move the question,
you have to be on the speaker’s list and be recognized. So somebody move the question that’s on the speaker’s list.

MS. SZUPLAT: Hi, Peggy Szuplat, precinct 7.

I would like to thank the committee for all of their work in following up for us and I would like to call for a vote.

[Applause.]

THE MODERATOR: Okay, the question will come on closing discussion. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds and the question is called. The question will now come on the main motion. The main motion is to transfer the sum of $14,750 from Certified Free Cash for the purposes of purchasing electronic voting equipment for Town Meeting.

All those in favor signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: All those in favor, signify by standing and the tellers will return a count.

[Laughter and applause.]

[Pause.]

THE MODERATOR: In the third division.

MS. SCHNEIDER: 14.

THE MODERATOR: 14.

In the second division.

MS. CUNY: 51.

THE MODERATOR: 51.

In the first and fourth division.

MR. NETTO: 49.

THE MODERATOR: 49.

All those opposed, signify by standing and the tellers will return a count.

[Pause.]

FROM THE FLOOR: [No mic: inaudible.]

THE MODERATOR: Don’t you dare.

In the second division.

MS. CUNY: 24.
THE MODERATOR: 24?

MS. CUNY: 24.

THE MODERATOR: 24.

In the third division.

MS. SCHNEIDER: 32.

THE MODERATOR: 32.

In the first and fourth division.

MR. NETTO: 30.

THE MODERATOR: 30.

By a counted voted of 114 in favor and 86 opposed, the necessary majority passes and Article 13 passes.

[Applause.]

THE MODERATOR: So we’ll now jump back to Article 11. This will be the Board of Selectmen for the main motion.

CHAIRMAN JONES: Mr. Moderator, I move Article 11 as printed.

THE MODERATOR: As printed. This is the amendment to the Home Rule Charter that would add the language to allow for a vote by an electronic vote counting and recording system.

Mr. Stecher held this one.

Yes, stand up so we know where to go
with the mics.

MR. STECHER: Bernie Stecher, precinct 3.

I’d like to make an amendment to this amendment and as I get my glasses on.

[Pause.]

MR. STECHER: Okay. I’d like to have the small amendment wording re-worded. After “standing vote or” I’d like to have it read, or add: “if available”. And after “shall be taken” I’d like to have a period there.

In explanation, it’s expected that a request for electronic vote counting and recording would be made by Town Meeting members when there is a question about the voice vote. As written, the Moderator will decide if the voice vote is sufficient and the wishes of Town Meeting members who would request this would be nullified. The speed and accuracy of electronic vote counting makes it possible to quickly settle any question of a voice vote without relying on subjective opinions.

THE MODERATOR: Okay, Mr. Stecher, I have your amendment in writing and you had some
explanatory notes at the bottom. You are familiar with Section 67 of Town Meeting Time that requires me to take a counted vote if seven or more voters question my call on the vote? Are you familiar with that? Because it doesn’t appear to be by what you wrote on this sheet up here.

MR. STECHER: Yeah, I’m not really familiar with that.

THE MODERATOR: Okay, so that is in Town Meeting Time Section 67. So if you all question the vote, seven folks question the call of the voice, then we have to go to a counted vote. I just want to make sure you knew that, because –

MR. STECHER: Oh, it’s that number 20 rather than 7?

THE MODERATOR: It’s section 67 of Town Meeting Time, which is the parliamentary authority for this meeting.

MR. STECHER: Okay.

THE MODERATOR: Okay.

Yeah, Ms. Fenwick.

MS. FENWICK: I think there’s often a
confusion which you educated me on about when
what do seven members get to call for and what do
20 get to call for. So, could you just clarify
that one more time?

THE MODERATOR: Yes, so seven members
can question my call of a voice vote and then we
count it, standing vote now. Twenty members can
request the method of voting to be roll call
where the Clerk currently would read everyone’s
name individually and you would vote yes or no.

MS. FENWICK: So you could invoke that
this evening on this article.

So -

[Laughter.]

MS. FENWICK: Just - just planting a
seed. There’s 20 people in this section right
here.

Um, so, I’m not going to belabor this.

Instead of what’s in your booklet, we put the
whole section on C2-5. Voting. So that you could
see what other pieces were involved.

If it’s successful, it would go to the
ballot in May. If Town Meeting passes it with
the two-thirds vote, is that correct? This
requires a two-thirds vote?

THE MODERATOR: Two-thirds, right.

Yeah, two-thirds here; majority at the ballot.

MS. FENWICK: Say again?

THE MODERATOR: It’s a majority at the ballot; it’s two-thirds here at Town Meeting.

MS. FENWICK: Right. So if we get two-thirds here at Town Meeting, then it goes to the ballot where it’s a simple majority.

THE MODERATOR: Correct.

MS. FENWICK: Okay. So, I’m not going to read what’s on the screen. If you have any questions.

Oh, and I introduce the fact that I was on the third Charter Review Committee, 2011 to 2012, so I’ve got a little bit more comfort with the Charter than most. But I appreciated Mr. Murphy’s statement about there’s no going back; but that word “or” really puts it in perspective.

THE MODERATOR: Okay, further discussion on the article.

Yes, Mr. Latimer.

Excuse me, on the amendment. The debate on the amendment, yeah.
MR. LATIMER: Oh, I’m sorry.

THE MODERATOR: Yeah, on Mr. Stecher’s amendment.

Any further discussion on the amendment? No, it’s not going to be put up. He just typed it up and brought it up here tonight. So we don’t have it on an Electronic –

MS. FENWICK: Could I – could you read it again?

THE MODERATOR: So the amendment is to, after where it says “standing vote”, he would add the term “if available”. So he wants to compel us to use the machine if it’s available. And he wants to remove the language of “whenever a voice vote is not sufficient as determined by the Moderator” because he thinks there’s too much subjectivity in my determining that.

So those are the two pieces of the amendment.

MS. FENWICK: So the words “if available” immediately after “a standing vote” if available?

THE MODERATOR: It says “A standing vote or if available a vote by an Electronic vote
counting and recording system shall be taken”.

MS. FENWICK: So you want a comma in there. Okay.

THE MODERATOR: All right. Mr.

Latimer on the amendment?

MR. LATIMER: Thank you, Mr. Moderator.

This amendment is part of the reason why a lot of us don’t want to even start on this road, because the way that it’s being presented now: “Yes, well, we will not change that much, but we can use this technology and it’ll help speed things up.” But now what we’re hearing on this amendment already, before it’s even passed, is, “Well, let’s change the way we do business here. Let’s not rely on our Moderator”, who’s very good. I think he has a very good ear to know what to – no, it’s just going to be automatic. Well that’s going to be an immediate change, a fundamental change in the way we do business.

So I would vote down this amendment and I would also continue to vote down against this article which requires a two-thirds vote.

Thank you.
THE MODERATOR: Okay, Mr. Johnson. No, all set.

Anything else on the amendment? Yes, Mr. Donald. On the amendment? No.

Okay, all those in favor of the amendment, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the chair that the no’s have it by a majority and we’re back on the main motion.

Mr. Donald.

MR. DONALD: Malcolm Donald, precinct 6.

Mr. Moderator, how would we change it so we could have a roll call vote on every vote?

FROM THE FLOOR: No.

MR. DONALD: No, I mean -

THE MODERATOR: That would be - we’d do that at a different meeting, either in the rules - so we could do it in the rules, we could do it in a bylaw. The 20 requirement is in the bylaw, so this is - I think it’s the bylaw. Or is it
right in this one?

No, this is in there. Yep. So it’s
upon the - so you would strike “upon the request
of 20 Town Meeting members the yeas and nays of
the members shall be ascertained and recorded.”

So you’d have an amendment to strike out
“upon the request of 20 Town Meeting members”,
and then you’d have to strike out everything else
that relates to voting, to require it to be done.

MR. DONALD: Okay. That’s what I
would amend. I’d offer an amendment that every
vote would be recorded - we would use a clicker
if they were working to record every vote so that
there is a record of how each person votes and it
can be -

THE MODERATOR: You know, I’m going to
demean out of order at this point, just because I
don’t have time to go through the entire Town
Charter and figure out all of the other sections
that it affects.

So, if you’d like to require that, then
my suggestion would be let’s go back and write
the language and bring it here.

MR. DONALD: Okay.
THE MODERATOR: Because there are many
- one of the problems we have in this town is
that a former Charter Review Committee decided
that it was a good idea to put a lot of
procedural issues in the Town Charter.

The Town Charter is supposed to be for
the structure and form of government and then the
bylaws are supposed to be how you run that
government. Unfortunately, we have bylaws that
conflict the Charter and Charter amendments that
conflict the bylaws. And under the supremacy of
document clause, we have to refer back to the
Charter.

So, anytime we want to make a change,
which should be a majority vote here at Town
Meeting in your bylaws, you get this stuff
running around because things that, in my mind
and in any student of government shouldn’t be in
the Charter, are in there.

So, hopefully, next time a Charter
Review Committee does this they’ll actually clean
it up and put procedure where it belongs and not
in the Town Charter.

So I’m going to deem it out of order,
now, only because there’s too many moving parts
and we’re not going to do it tonight on the floor
of Town Meeting.

Further discussion on the main motion?

Mr. Latimer.

MR. LATIMER: Thank you. Richard
Latimer again, I’m sorry. Precinct one. I’ll
be real quick.

Apparently some of the support for this
are the people who really want to change the
basic method of voting to require roll call
voting. If that’s where they’re coming from,
this is putting the cart before the horse. Not
everyone is, but there’s quite a few who have
suggested that they really want to have roll call
voting. Well, if that’s the thing, let’s change
the Charter first and then use this technology.
Don’t use this technology as a means to get
around to changing the way we do business.

Again, vote against this again. It
requires a two-thirds. Let’s vote against it and
let’s move on.

Thank you.

THE MODERATOR: Okay, any further
discussion?

Mr. Hargraves.

MR. HARGRAVES: Peter Hargraves, Precinct nine.

It’s not that late but I think I’m a little foggy and I just am asking for a clarification of something.

If we vote this down, we’ve got 118 yeses on buying the clickers. If we don’t get 133 votes to pass this, what happens to the proposition of using clickers?

THE MODERATOR: So it’s dependent on those present in voting. So it depends on how many folks actually cast a vote this time around for the two-thirds quantum. If the two-thirds doesn’t pass, this doesn’t pass and the appropriation – the authorization to appropriate is at this point in time null and void because the law doesn’t allow us to use the devices.

MR. HARGRAVES: Thank you. Yeah, it’s good to know that as we approach voting. Thank you.

THE MODERATOR: Yes.

Yes, okay, any further?
Yes, Mr. Putnam and then Mr. Schmitt.

MR. PUTNAM: Thank you, Mr. Moderator.

Brent Putnam, precinct 9 and I would urge you all to vote in favor of this and the following Article 12. And the reason why: let’s give this a chance.

We talk about roll call voting. Mr. Latimer suggests that we don’t want roll call voting, but I would suggest to you think for just one moment: if there was no roll call voting in Congress or on Beacon Hill, we wouldn’t know how our representatives vote. It’s a very important part of democracy to be able to tell the people that we represent how we vote. And whether, again, whether they ask or not, it’s important for them to know.

The only way we’re going to get roll call voting in any reasonable way, shape or form, is to do this - well, is to buy the equipment first. We could change it. We could make roll call voting for every single vote and then buy the digital equipment, but obviously we’d be sitting here all night as our Town Clerk calls our names for each and every vote that we take.
We voted to acquire the equipment.
Let’s make the necessary bylaw changes. Let’s
give this a chance. It says “or”. It doesn’t
mean that we always have to try the electronic
voting. But let’s give this a chance. Let’s
see if it’s going to work. If it doesn’t, then
we don’t have to use it. That’s precisely what
the “or” is for.

Thank you.

THE MODERATOR: Okay, Mr. Schmidt.
I’ve got you on the list, Mr. Donahue.

MR. SCHMIDT: Yes, Edward Schmidt,
Precinct eight.

I guess my comments echo what I just
heard from Mr. Putnam. I just add that anytime
there’s anything new, a new idea, often lot of
people want to try it. Sometimes you’ve got a
term called early adopters. But every change
requires a little experimentation.

I say we’ve got a committee here that
put a lot of time and effort into thinking this
thing through. We’ve already had a vote to go
ahead with this and I think we ought to give it a
chance.
We can learn as we go on, make changes in the future as we get more experience, and I really do predict that we’ll all become very quickly very comfortable with a really significant improvement which will improve upon the accuracy – and I won’t go into detail, but improve on the accuracy of some of the votes that are taken.

Thank you.

THE MODERATOR: Mr. Netto, did you want to speak? No.

Mr. Donahue.

MR. DONAHUE: Bob Donahue, Precinct three.

I apologize, Mr. Chairman, this is putting the cart in front of the horse in this case, but could we rent these units, as someone suggested?

FROM THE FLOOR: No.

MR. DONAHUE: No. Or do some kind of a deal, a lease purchase and try them for a couple of meetings and then? So everyone would be comfortable with using them and having them.

Thank you very much.
THE MODERATOR: Okay, Mr. Keefe.

MR. KEEFE: Yes, I'll respond to that question.

So we did look into lease/rent options. The short, short version is essentially it’s almost as expensive to rent it for a single instance as it is to buy the system outright. So, we were pretty close. So, if we’re going to make that investment, buy ‘em and keep ‘em.

We did have a demo at the last Spring Town Meeting. We extended that to a second night to give everyone an opportunity to look at the devices and to make an entry to those devices. So hopefully that.

THE MODERATOR: Mr. Latimer.

Microphone down here for Mr. Latimer.

FROM THE FLOOR: [Inaudible.]

THE MODERATOR: He spoke on the amendment, so it’s --

MR. LATIMER: Thank you, this will be real quick.

I’m not against roll call voting, Mr. Putnam. I am against a procedure where buying a device and trying something that’s going to save
us time will result in people getting to the roll
call vote without going through first the process
of getting the public to vote on it to change the
Charter. I’m against that.

I’m against sneaking it in through the
back door. If you want roll call voting, bring
an article to get roll call voting, we’ll vote on
it, it’ll go to the public; fine. I’m open-
minded on that. I’m against this article.

I again urge you to vote no. Thank you.

THE MODERATOR: Okay, Ms. Shephard.

MS. SHEPHARD: Susan Shephard, Precinct
one.

First, this doesn’t require us to have a
roll call vote all the time. It still needs 20
Town Meeting members to require that.

Second, we are making way too much of a
$15,000 article. We’ve got 4,000 coming up.

[Applause.]

MS. SHEPHARD: Let’s pass these
articles and be done with it.

FROM THE FLOOR: Right.

THE MODERATOR: Okay, so the question
will come on the main motion for Article 11.
This requires a two-thirds vote.

All those in favor, signify by saying

aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the ayes have it by a two-thirds. Is there a challenge to the Chair?

There’s a challenge to the Chair.

All those in favor, signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: In the third division.

MS. SCHNEIDER: 25.

THE MODERATOR: 25.

In the second division.

MS. CUNY: 57.

THE MODERATOR: 57.

In the first and fourth divisions.

MR. NETTO: 62.

THE MODERATOR: 62.

All those opposed signify by standing and the tellers will return a count.
[Pause.]

THE MODERATOR: The second division.

MS. CUNY: 17.

THE MODERATOR: 17.

In the third division.

MS. SCHNEIDER: 20.

THE MODERATOR: 20.

In the first and fourth divisions?

MR. NETTO: 16.

THE MODERATOR: 16.

By a counted vote of 144 in favor and 53 opposed, the necessary two-thirds passes and Article 11 passes.

THE MODERATOR: Article 12. Article 12 is to amend the Code of Falmouth. This is the bylaw change. We just voted to make the change in the Charter, but this is a bylaw change.

Mr. Chairman for the main motion.

CHAIRMAN JONES: Mr. Moderator, the main motion’s a little bit different than what’s in the booklet. It’s everything it says right there, except for where it says “foregoing sections”. The main motion is to stop after the
"S", delete the "S". Delete "Section 49-8, Hand Vote, and". So we’re not referring to hand vote since hand votes are not legal in Town Meeting, anyway. We don’t want to make reference to something that’s not going to be legal for us to use in future Town Meetings.

So the article will be: "To see if the Town will vote to amend Chapter 49 of the Code of Falmouth, Meetings, Town, by adding the following §49-8.2, Electronic Voting.

"§49-8.2. Electronic Voting.

Notwithstanding the provisions of the foregoing §49-8.1, Voice Vote, subject to the availability of an approved electronic vote counting and recording system for use by Town Meeting Members, the Moderator may determine that a vote be taken by use of such electronic vote counting and recording system."

THE MODERATOR: Okay. Any discussion on changing the bylaw to bring it into compliance with what we just voted on?

Mr. Antonucci.

MR. ANTONUCCI: Bob Antonucci, Precinct six.
I would like to recommend we vote this article, and as a Parliamentary procedure, I move the question.

FROM THE FLOOR: All right.

THE MODERATOR: Okay, we’re ready to go.

All those in favor of the main motion, which is what’s printed in your warrant book, striking out the reference to a hand vote – which is illegal, anyway. All those in favor of the main motion, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by a majority and this meeting will stand in recess for 20 minutes.

[Whereupon, a recess was taken.]

THE MODERATOR: During the break, we heard from some Town Meeting members that they were unable to check in. Either they had arrived when the folks doing the check in had left or they came into the auditorium and were looking for a check-in table and didn’t see it in the
hallway.

So, if any Town Meeting member did not check in with the League of Women Voters at the beginning of Town Meeting in the hallway, please come up to the Town Clerk and give him your name so that he can add you to the list.

Again, any Town Meeting member who did not sign in in the hallway with the League of Women Voters prior to the commencement of Town Meeting, please come forward and give your name to the Town Clerk.

[Pause.]

THE MODERATOR: Okay, folks, we need to re-establish the quorum, so please get in your appropriate divisions. Do I have my tellers? One, two, three, yup.

Okay, all Town Meeting members present please rise for the establishment of the quorum and the tellers will return a count.

[Pause.]

THE MODERATOR: In the third division.

MS. SCHNEIDER: 42.

THE MODERATOR: 42.

In the second division.
MS. CUNY: 71.

THE MODERATOR: 71.

In the first and forth divisions.

MR. NETTO: 74.

THE MODERATOR: 74.

By a counted vote of 187 we have a quorum and the Town Meeting’s back in session.

Okay, the next article that we’re going to do by call of the Chair will be Article 23. Article 23 is the Teaticket Elementary School Article. We have some consultants that are paid to be here to answer any questions that might be necessary. So in order to be able to have their expertise here and not have to pay for them to come two nights in a row, I’m going to take that out of order by a call of the Chair.

So the Chair would entertain a motion from the Finance Committee, the main motion on Article 23.

CHAIRMAN VOGEL: Mr. Moderator, I move Article 23 as recommended.

THE MODERATOR: As recommended. This is to vote that the Town appropriate the sum of $900,000 for the purposes of the article to meet
the appropriation by transferring $710,000 from Article 21 of the April 2006 Annual Town Meeting and transferring $190,000 from Certified Free Cash to be expended under the jurisdiction of the School Committee.

Ms. Taylor.

MS. TAYLOR: Thank you, Mr. Moderator and thank you Town Meeting and community members for giving me this opportunity to address you this evening regarding the project at the Teaticket School.

I'm Nancy Taylor, the Superintendent and I have with me Mr. Patrick Murphy, who is the Director of Finance and Operations for the Falmouth Public Schools.

So, as I begin my presentation I would like to just note that, over the past two years we have had a very successful two year history of asbestos remediation-related projects in our schools. These projects you see ahead of you here are two at the Lawrence School, two at Morse Pond, one at Teaticket and another at Teaticket that happened over the summer, the beginning of the summer with the scheduled hallway ceiling
tile replacement.

The reason I bring this up is because I think it’s important to note that the same contractors or combination of contractors that helped us through these projects were also the contractors that we used at this latest project. And that’s important because they have experience and they have a successful track record with asbestos abatement, cleaning and repair.

And those vendors are TRANE, the ESCO general contractor; Aero, the ESCO mechanical contractor; Karma, the asbestos cleaning and abatement contract company; and American Environmental Consultants who were also onsite during this project.

I just would like to remind everyone regarding these projects: with every project, including this latest project, my number one priority was the health and the safety of students and staff in Falmouth. That has remained our top priority through all of these projects.

So, in mid-August, the ESCO project started and it was to replace the unit
ventilators in every classroom at the Teaticket School. And it was temporarily placed on hold because asbestos-containing tiles were moved in the ceilings to gain access for the removal of those ventilators. And during that process the Department of Environmental Protection, DEP, an inspector visited the site and determined that the movement of those ceiling tiles may have allowed a possible release of asbestos fibers.

Let me read that again. A DEP inspector visited the site and determined that the movement of the ceiling tiles, three in each classroom, may have allowed a possible release of asbestos fibers.

So, on August 18th, I made the decision to delay the start of the opening of the Teaticket School and I developed a relocation plan for 300 students and approximately 100 staff members.

I just want to make it known that that relocation to the Morse Pond School and the East Falmouth School was not easy. We interrupted 24 classrooms and various programs to make this happen. I listed a few. Morse Pond in
particular: science labs, the counseling service offices, our computer labs, the libraries, food service. We had to put art and music on carts and they were no longer at East Falmouth able to use their gym because we took every one of those spaces.

We had people double up over at the East Falmouth School, and it has not been an easy process.

I also just want to add that the teachers and the staff acted with the upmost professionalism and graciousness in helping us plan that relocation.

So, if I move onto the scope of the Teaticket project. Standard procedure: a qualified asbestos consultant was hired and the name of it is the American Environmental Consultants. They submitted an initial report that outlined the scope of this project to the Department of Environmental Protection. The initial scope was limited to the potential contamination in the classrooms alone. Initial scope. All air quality and sampling tests for asbestos came back negative.
In spite of the negative swab and air quality tests, a single DEP inspector indicated that contamination was isolated to perceived visual fiber release in classrooms.

Okay? So you have your tests, you have swab and air quality tests, and then you have to pass a visual inspection. We passed the air quality tests, we passed the sample test. We didn’t pass a visual inspection.

So, phase one, given the scope at that time, the follow-up repair work for the classrooms was estimated at $300,000.

[Cell phone music plays.]

[Laughter.]

MS. TAYLOR: I like that music.

So, when we move into Phase 2 -

THE MODERATOR: That was Mr. Latimer’s five minutes from the last article.

[Laughter.]

MS. TAYLOR: When we walked into Phase 2, we had a DEP inspector subsequently raise concerns about the potential of ESCO workers cross contaminating non-impact spaces. What does that mean? It means walking in between the
classrooms and into the hallways, into the kitchen. They were concerned about cross contamination.

That same inspector determined that the further remediation was mandated. They make the rules. This included all areas in the Teaticket School and those areas were separate and outside of the classrooms.

So now the scope is getting bigger. First it was classrooms. Now they’re talking about cross contamination, now they’re talking about non-impacted areas.

And further complicating that process is that the regulatory process, the inspectors and the regulators from two separate state agencies: Department of Environmental Protection, Department of Labor Standards, claimed partial regulatory jurisdiction. So we were going back and forth between DEP and DLS. And if they disagreed, then we had to then go back and fix whatever they told us to fix.

So, at the conclusion of Phase 2, the total estimated cost for the containment, the cleaning and the abatement and follow-up repair
work now expanded to $650,000. Because if you think of how the scope changed based on the regulatory inspections, it got bigger and bigger and bigger. And if you don’t comply, you don’t pass.

We walked into Phase 3 of the Teaticket project. American Environmental Consultants, again, each step of the way, had to submit a plan and have it approved by DEP if it was a plan of the work that they were going to do. DEP and DLS inspectors subsequently determined that metal ceiling grids in every ceiling in every classroom could not be decontaminated and needed to be removed and replaced as part of the cleaning, abatement and repair process.

The first plan, we included decontaminating the ceiling grids. The plan was approved. They came back and they subsequently determined that that would not work. So, think about it: you take all the grids down, you clean them, you put them back and you fail. So now we have to take them down and replace them.

So the additional mandates requiring removal and replacement also required two
separate contracted services. That meant Karma, 
and remember they are the asbestos and abatement 
contractors; and Cape Cod Insulation. 

So, the regulatory agencies then raised 
yet an additional concern. And the concern this 
time was that upon the removal of those ceiling 
grids, the remaining insulation could possibly 
contain asbestos dust. The determination was 
made solely on a visual inspection. But guess 
what? You have to fix it. 

So, all the grids and the insulation 
were removed and replaced, which also required 
all the lights in the classrooms and in every 
ceiling to come down, you put in the insulation, 
you put the grids in, you put the insulation in, 
than you have to re-hang all the lights. 

So, at the conclusion of that phase, the 
total estimated cost for the containment, the 
cleaning, the abatement and the follow-up repair 
work of all areas swelled that cost to $900,000. 

THE MODERATOR: Ms. Taylor, we’ve hit 
the ten minute mark, so can you let us know how 
much additional time you’d want to request from 

Town Meeting?
MS. TAYLOR: Three minutes?

THE MODERATOR: Three minutes.

All those in favor of an additional three minutes, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it by the two-thirds.

Ms. Taylor.

MS. TAYLOR: Thank you.

So, in conclusion, I just want everyone to know that, with the regulatory agencies, we fully complied with all of their mandates. Our final state regulatory clearance for all classrooms has been completed and we have now returned to the original ESCO Phase 2 part of this project which was their primary assignment to replace the unit ventilators in every single classroom. And that was the original plan.

So, our goal at this point is to return everyone to the Teaticket School. We’re shooting for the end of November. And through the project I just want to say that we can confirm
that the Teaticket School is safe and healthy, as
A. E. C. has conducted over 500 air and surface
sample tests and the results were negative.

I just want to bring this right back to
my first priority that I started the presentation
with, and that being the health and safety of our
students and our staff and our buildings.

I also want to add that the ongoing
support that we have received from the entire
Falmouth community has been greatly appreciated.
We’ve had Touch a Truck, which raised money for
supplies for the Teaticket School. We had the
Stuff a Bus event which was wildly successful.
We’ve had donations from various businesses. The
Seacoast – seacoast – Sea Crest offered us a day
for Teaticket families and kids and staff on a
Sunday; it was wonderful and very well attended.
And we have felt very supported through this
process.

It has not been a journey without bumps,
but we certainly have worked very closely with
the Town offices to complete this and to make
sure that that building was safe enough to return
our students and our staff.
Thank you.

THE MODERATOR: Okay, discussion.

Mr. Cook.

MR. COOK: Peter Cook, precinct 6.

I’m very glad that the school children of Falmouth are going to be safe in the Teaticket School and I commend all the work that was done. However, and this is just from the information presented, is that I would think that the contractor ESCO would be liable for causing this problem in the first place.

THE MODERATOR: Ms. Taylor.

MS. TAYLOR: Questions about liability will be worked on through the Town Counsel’s Office.

THE MODERATOR: Mr. Donahue.

MR. DONAHUE: Through you, Mr. Moderator, I have a couple of questions. Bob Donahue, precinct 3, excuse me.

In the original estimate, who else did we have look at that job and tell you what had to be done?

And, as a second question: would you think it’d be advisable that perhaps the Town
should look to have in the future at some time
our own group of expert engineers look at these
jobs that are over let’s say $100,000 to see if
they see something that your people don’t see and
would might save us this kind of a - quite
frankly, it’s an embarrassment. I think it’s a
big embarrassment to the School Committee and
School Department. Not your personal fault at
all. But this is the second school problem that
we’ve had that -- budgets. Even in the windows
there were things that were done in the Lawrence
School window project, the need of having the
gutter, the need of having work done on the roof.
Maybe if we had our own small group of people
that could tell us: “look at that, look at this”,
it would save us all this.

Thank you very much.

THE MODERATOR: Anybody want to
address that?

MR. MURPHY: Sure, on the first - the
answer to the first question is we were able to -
I was able to very specifically make calls to
other vendors, one, to see if they were
available, and two, to just get metrics on sort
of price per square foot on these types of things.

We did not – we’re not required to go through state – traditional state procurement laws because this was an emergency situation. We had what’s called a DCAM abeyance or allowance to go through direct procurement on this.

But the idea of additional local expertise is always appreciated.

THE MODERATOR: Mr. Donahue, follow up.

MR. DONAHUE: Well, so really what you’re saying to me is you did a $300,000 job and you really didn’t have a second bid. You didn’t have anybody really look at the thing that could have told us that we had a problem.

You – you looked at it. You called – made a couple of telephone calls and said, “Hey, I want to replace this radiator and how much is it gonna cost?” Isn’t that what happened?

MR. MURPHY: It wasn’t a low bid project. We were looking for people –

MR. DONAHUE: No, but that’s what happened.

MR. MURPHY: - who were available.
MR. DONAHUE: You didn’t have any – I –

- you know – I –

THE MODERATOR: Mr. Donahue, Mr. Donahue, the presentation that made showed that the scope of the project, based on the determinations of the inspectors, expanded.

MR. DONAHUE: Yes, because we didn’t have anyone of qualification look at the job –

THE MODERATOR: No, it’s because you got some inspectors –

MR. DONAHUE: No –

THE MODERATOR: – that are going to have some answering to do to their state rep and their state senator when this project’s over. Okay? That’s the reason.

[Applause.]

THE MODERATOR: Dr. Antonucci.

DR. ANTONUCCI: First of all, Bob Antonucci, precinct 6.

Let me first commend the Superintendent and her Business Administrator for the way they handled the situation.

[Applause.]

DR. ANTONUCCI: Ms. Taylor and Mr.
Murphy make a great team.

    Peter Clark’s here.    I sat in her shoes
and walked in her shoes.    We had the same
problem here at the high school when the smoke
tower went down.    That project started out like
at $500,000 and probably ended up at two or three
million.    You have no control over it.

    There are going to be other problems in
Falmouth.    We start looking at the East Falmouth
School.    When you start getting into that
ceiling, she may be back here again.

    But what she did is recognize the
problem, acted very quickly, kept everyone in the
loop, communicated, and took the interests of the
students first.

    So we should support this article.    The
work’s being done.    Get the kids back in that
school.    Let’s celebrate a victory.    Let’s not
micro manage this project; it’s been done enough.

    Good job, Nancy.    Good job, Mr. Murphy.

    [Applause.]

THE MODERATOR:    Mr. Young.    Mr. Young.

Microphone to the right.

MR. YOUNG:    As Bob just - Bob Young,
Precinct 5.

As Bob just said -- he stole my thunder -- I want to commend Superintendent Nancy Taylor, a new superintendent, who had a terrible situation thrust upon her, and her attention to this is very commendable and we can all thank her very much.

My question regarding this article, and it'll probably end up in Jennifer's lap, is I don't understand how we can come up with $700,000 or $900,000 from a 2006 bond issue for the library. This is money we voted for the library and now we're going to take it and use it for the school. The job's been done; we know we have to pay it. If we need $700,000 from this unused, ten years sitting somewhere, why not get it from Nick Lowell's pocket? He saved us 700,000 with those windows.

THE MODERATOR: Yes. Yes, we have a presentation on that, on the funding issue, here.

Ms. Petite.

MS. PETITE: Good evening, Jennifer Petite, Finance Director.

The funding for Article 21. I was
recently - well, as you know, we always monitor interest rates, and as I was having conversations with our financial advisor we had an opportunity for refinancing. And part of the refinancing was money that we’ve had on the books from the library renovation, and it’s about 710,000. And let me tell you a little bit how that got there.

During the library project, certain amounts are borrowed. And when the money’s borrowed we pay the contractor when we pay the project. At the end of the project, 710,000 was borrowed, but the project was completed. It was part of a four and a half million dollar borrowing.

So, when we bonded it, what that means when we bond something is that we start paying back principal and interest. So we had 710,000 on the books and we’re paying principal and interest on that. And we haven’t spent it because the project has been completed.

And when contacted by the financial advisor and having discussions with bond counsel, proceeds – and this is an excerpt of a letter that was sent to me from bond counsel: “When
proceeds of a note or a bond remain unexpended after three years from the first date of issuance, it can jeopardize the tax exempt status of the note and/or bonds.” That money needs to be re-appropriated and spent immediately. We want to refinance this debt, you know, to a lower interest rate.

Next slide, please.

So, in order to refinance these bonds, the proceeds need to be spent immediately. And bond counsel has determined that the Town can re-appropriate the funds to the Teaticket School project since the Town will be able to borrow for the same length of time. And that’s when you have money that you’ve borrowed under a borrowing authorization, you can borrow it for a maximum length, a useful life, and so for the library it was 20 years. So we can re-appropriate that money for another project for 20 years or more. Meaning, we could appropriate it to the sewer project. It just needs — it’s really the length of term, not a like project like a similar project.

I also wanted to mention, it was asked
that I mention this, is that I’ve known, you
know, since I’ve started working for the Town of
Falmouth that the money’s been there and have
been trying to think of a way to re-appropriate
it that would, you know, wouldn’t cause such a
stir. And I was always thinking about maybe the
– not that I want to bring this up, but one of
the Selectmen has asked me to bring it up – is
that I was always thinking about appropriating it
for the Senior Center, but it would have had to
have been to the construction. But, since we
have this refinance opportunity, we want to make
sure that we spend it immediately.

And also, as I stated, it’s all stated
under Mass. General Law Chapter 44, Section 20,
“Such balance may at any time be appropriated by
a city, town or district for any purposes for
which a loan may be incurred for an equal or
longer period of time.” That just states what
I’ve been mentioning to you.

Next slide, please.

Okay. So, when we borrowed about four
and half million dollars – so that’s the reason
why we’re doing it. So, bear with me, here.
So we borrowed the four and a half million; we’re paying principal and interest on that since 2009. So what’s left of that borrowing is 1.9 million. 1.925.

Now, if you remember, too, the library renovation was a debt exclusion. So it was a borrowing authorization and then it went to the ballot for a debt exclusion. What does that mean? We’re allowed to exclude that over Proposition 2 ½. We can raise that over Proposition 2 ½. So for the last several years, when we exclude the debt, it’s the principal and interest every year. It’s not when we borrow the four and a half million, that doesn’t get thrown on the tax rate. It’s when we pay them back the principal and interest.

So, now we owe 1.9 million, is left. That’s what we’re looking at refinancing.

710,000 of that is going to go to the Teaticket School. That’s Unexcluded debt; didn’t go to the ballot. So we don’t want to exclude that from Proposition 2 ½. So how am I going to do that?

So, when I – when we set the tax rate,
every year we fill out a form; it has the
principal and interest excluded over 2 ½. And
so, I won’t exclude this. I take – I’ll amortize
- we have seven years left. I’ll take the
710,000 over the next seven years; it’s about
100,000 a year. We’ll put it in the budget. In
April, I’ll request a transfer of 710,000 from
Free Cash into the Debt Stabilization Fund.
We’ve done that before and it’ll probably be more
money because we want to put some more money
aside from the Capital Projects to stabilize that
levy. And then over the next seven years, when
we vote on the budget, you will see a transfer in
from the Debt Stabilization Fund of approximately
$100,000 a year to pay off the non-exempt debt.

So I will not raise - that 710,000
cannot go on the tax rate, cannot be raised over
Proposition 2 ½. So that’s how I plan on trying
to fix this.

THE MODERATOR: Okay, any further
discussion?

Mr. Netto.

MR. NETTO: Joe Netto, Precinct 9. Mr.
Moderator through you may I ask Ms. Petite a
question?

THE MODERATOR: Yes.

MR. NETTO: And again, Superintendent Taylor, it’s been said here tonight, but I actually – I had to do that in my job and I just stood back as a retiree and just wondered the logistics of moving those children, those 24 classrooms. And that was an excellent job, and any discussion on this article has no pertaining to – we have to pay this bill.

I think now we’re talking about the finances of how and I don’t want anything to be misconstrued that way. But you and your staff in the School Department did one heck of a job. I don’t know if people realize how quickly this – how soon this was before the opening of the education system in the Town of Wareham and that short window to move everybody around.

Now, Ms. Petite, to you the question would be: I thank you for solving this. You inherited this problem, so to speak. Well, not problem, but all this money that the taxpayer sees sitting there. And we currently have reported, between the sewer project and the
filtration project, we’re talking about a hundred million dollars; these two projects are roughly just under 50 million each. Can the completion of these two projects – do you foresee any similar problem where we have X amount of funds sitting there that isn’t available? Are you looking at that, between the filtration plant?

We’ve heard two reports, I know my house got connected to the sewage just today. But, between those two projects we’re looking at a hundred million dollars. And, as Ray Jack told us earlier tonight, they’re on budget, maybe coming under.

So, with those two major projects nearing completion and in the funding that’s very complicated, what you do, would we not have this amount of money sitting someplace, you know, since 2009?

THE MODERATOR: Ms. Petite.

MS. PETITE: No, I don’t foresee a problem. There’s two fundings – we’re borrowing from the trust, and the short term notes that we’re borrowing the majority of it from the Mass. Water Pollution Abatement Trust. And the way
that short term borrowing works, is they give us
the money when the bills come in. So I’m not
borrowing it.

And there’s other projects that aren’t
being borrowed through the Trust that I do keep a
close eye on to make sure not – when we short
term borrow, we do borrow enough to get us
through the next year or two. But when we go to
bond, I do keep a close eye on it and make sure
that we’re not bonding more than we should. And
we’ve only bonded our money through the Trust,
and they really tell us what that is.

MR. NETTO: Thank you very much.
Thank you.

THE MODERATOR: Okay, Mr. Finneran.

MR. FINNERAN: Mark Finneran, Precinct
six.

Mr. Moderator, you said that there were
some engineers here this evening. Can –

THE MODERATOR: I don’t think they’re
engineers. They’re consultants. If there were
questions.

MR. FINNERAN: Consultants. And then
where are they from, exactly?
MS. TAYLOR: I have a consultant here from American Environmental Consultants who is an asbestos hygienist who was onsite the entire time.

MR. FINNERAN: Okay. Because, I have a copy of the AHERA here, the Asbestos Hazard Emergency Reaction Act or whatever it is, and I was at the initial meeting of the School Committee and I asked and someone else asked, also, if there was any plan, map, diagram or whatever that showed the location of the asbestos in the building and I was - we were told "No". And the janitor or the head custodian, I can't remember his name, said that he assumed that this was at the high school but he didn't know where it was.

Now, according to comply with the Asbestos - the AHERA, it says, "All schools must develop and maintain an asbestos management plan and keep a copy at the school." It further states that, "Public school districts, non-profit schools are required to develop, maintain, update asbestos management plans and keep a copy at each individual school. These plans are required to
document and recommend the recommended asbestos response times, the location of the asbestos within the schools and any action taken to repair or remove the material.”

After the School Committee meeting, I called the Department of Labor and Industry and I spoke to Janet McCabe. I actually spoke to her on three different occasions. And she told me she was here last in Falmouth in 2004 and that - on the high school project - and she said that Mark Dupuis was very compliant.

But then she said to me, “Mr. Finneran, that it’s obvious that Falmouth dropped the ball and it’s quite likely there will be sanctions in the future.” So, first off, it tells me that it’s our fault and that for us to spend money defending this on lawyers - as we’ve done before on other things that are our fault - might be foolish.

And is it not true that this required document was not in the school and that it wasn’t provided to the asbestos contractors and therefore they assumed that there was no asbestos in these locations and went and removed them and
that’s where the problems started? That seems to put it right in our wheelhouse. And, according to the state, it does as well.

THE MODERATOR: Mr. Murphy.

MR. MURPHY: We would argue that that’s incorrect. One, I do admit that all the AHERA documents, which were up to date, there’s a six month inspection and there was a three month inspector report that was done in October, 2014 that was current. All those documents were in one central location as opposed to being in the schools. Simply because the experience was those documents tended to get lost; so we had centralized them.

Once this happened, we did confirm that copies of these documents were then placed in all these schools and there’s a central location, my office, which has been a perfect location for media inquiries and things like that, for people to view these things.

So, the inference that it is our fault that we had an inspector who changed his – the project scope several times, we would argue against that.
MR. FINNERAN:   Well, and with all due respect, I would argue back and by your own admission these documents weren’t in the school as required by the federal government and the EPA, and is it not true that these contractors were not provided with these documents?

MR. MURPHY:   That’s not true. The only thing that we absolutely agree that we did wrong is that we had them in a central location as opposed to distributed to all the schools. As soon as we recognized that error, we made copies of them and distributed them to the schools. But they were all current and people knew what was going on in these schools.

All of these vendors, all of these vendors had been in this school several times, over multiple years, and understood what was going on in these – in the spaces.

MR. FINNERAN:   And, again, I don’t mean to beleaguer this point –

THE MODERATOR:    Hey, let’s go. So the reports were available but they were at the central office rather than at the Teaticket School.
Do you have anything new?

MR. FINNERAN: But were they not – it appears that according to the state that they weren’t provided to the contractors until after the fact; is that correct or is that incorrect?

MS. TAYLOR: That is not correct.

MR. FINNERAN: Okay.

MS. TAYLOR: Keeping in mind I started the presentation with the two year plan of successful projects with asbestos abatement, cleaning and containment.

MR. FINNERAN: Yeah, I understand that, but there was a problem here. Um –

THE MODERATOR: Okay, Mr. Afonso.

If we can get a mic way up in the rafters, there.

I’ll add you to the list.

MR. AFONSO: Phil Afonso, Precinct 9.

Do we have the contractor available for me asking a couple of questions?

MS. TAYLOR: I have the asbestos hygienist here.

MR. AFONSO: Sure.

MS. TAYLOR: Don Laflamme [sp?].
THE MODERATOR: Okay, Mr. Afonso, if you could just ask the questions and then we’ll –

MR. AFONSO: Absolutely.

Does Mr. McLean [sic] handle the air quality tests? Is my first question.

MR. LAFLAMME: Yes, I collected over 500 air samples at Teaticket School during the abatement process.

MR. AFONSO: Off the top of your head, could you give me the make and model of that machine, by chance?

FROM THE FLOOR: [Inaudible.]

MR. AFONSO: I’m going somewhere with it –

MR. LAFLAMME: It’s an Allegro –

THE MODERATOR: Folks –

MR. LAFLAMME: High volume pump.

THE MODERATOR: What?

MR. LOWELL: [No mic:] Is he a Falmouth resident?

THE MODERATOR: He’s a Town Meeting member.

MR. LOWELL: [No mic: inaudible.]

THE MODERATOR: Oh, oh, the gentleman
down answering the questions. I’m sorry. Uh –

MS. TAYLOR: No.

THE MODERATOR: No. All right. So we’ve got to vote to allow the consultant to speak.

All those in favor, all opposed –

[Aye.]

THE MODERATOR: The ayes have it.

Good. Yeah, go ahead.

MR. AFONSO: [Inaudible.]

Okay, the reason I’m asking: the air quality tests, you’ve done 500 of them, right? Is that what is being said. So, what exactly – I see with a swab where you can put it in a chemical and you can detect asbestos.

How does your air quality machine pick up asbestos?

MR. LAFLAMME: It’s actually the same as the swab, quite frankly, where we use microscopes and actually collect air through a filter, cut a piece out, examine it, and we can see any fibers in the air.

MR. AFONSO: Is there any more asbestos in Teaticket School besides those tiles?
MR. LAFLAMME: There is. But it’s in
good shape, no harm can – as long as it stays
intact, like it is now, there’s no issues.

MR. AFONSO: How can I find out or
anybody find out about the air – is it a air
particular machine? Does it show you a number
of particulates in the air or you just basically
–

MR. LAFLAMME: Yes it does.

MR. AFONSO: – use it, vacuum it, cut
open the filter and then examine it with a
microscope?

MR. LAFLAMME: We draw the air through
the filter.

MR. AFONSO: Yes.

MR. LAFLAMME: Then it’s taken apart.
A small wedge of the filter is cut out. We put
a chemical on that so it clears the filter, and
that’s where I can see any fiber that floats in
the air.

MR. AFONSO: Okay, so there’s no
numerical number on the front of it?

MR. LAFLAMME: They have a clearance
criteria that we’re held to, which is .001 fibers
per cubic centimeter of air.

MR. AFONSO: Okay. And are those, the filters, are those saved with the samples, by chance?

MR. LAFLAMME: Yes.

MR. AFONSO: Okay. And that’s documented and can be found, okay, great.

MR. LAFLAMME: Yeah.

MR. AFONSO: I also want to say I have a fourth grader and a kindergartner. They went to two separate schools. The teachers, your bus drivers, your lunch people, the gym teacher, thank you so much. My children have – my daughters had a great time at Morse Pond.

My kindergartners loved East Falmouth School even though we’re a Teaticket family and the PTO, everybody, it’s been great. So, that’s all. Thank you.

THE MODERATOR: Okay, any further discussion?

Yes, go ahead.

MR. HEATH: Austin Heath, Precinct 8.

I think that this discussion is actually out of order. This article is simply whether or
not we are going to fund, long-term, bills that
have already been incurred and paid for.

This is not an investigatory body going
back to Day One, taking time, in hour after hour,
discussing it. The only question is: are we
going to vote the money to pay for work that’s
already done? Pure and simple.

Thank you.

THE MODERATOR: Okay. And in that
spirit, all those in favor, signify by saying
aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it
unanimous.

[Applause.]

THE MODERATOR: Article 15. Article
15, to see if the Town will vote to amend the
Town’s Classification Plan by adding a Housing
Coordinator, adding a Community Development
Director, and deleting an Assistant Wastewater
Manager.

Madame Chair for the main motion.
CHAIRMAN VOGEL: Mr. Moderator, I move Article 15 as recommended.

THE MODERATOR: As recommended. This was held by Ms. Cuny.

MS. CUNY: Sandra Cuny, Precinct 2. Mr. Moderator, I’d like to know if we could divide this article and take each of these positions separately?

The Housing Coordinator position I know has been supported by the Community Preservation Committee. It’s eligible for funding, which you did through the blanket vote on Article 31 actually fund this position tonight.

But the other does not – they’re two separate positions, so I’d like to know if we could divide.

THE MODERATOR: Okay, the question to divide is – so that, when we take a vote on this motion we would vote on each of these lines independently with a yes or no vote. So, in order to do that it takes a majority vote of Town Meeting to divide this question up so that when we take the vote, you would vote yes or no in each of these three line items.
All those in favor of dividing the question, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed, no.

[No.]

THE MODERATOR: It’s the opinion of the Chair that the ayes have it by a majority and when the call comes on the main motion we’ll divide the question.

Discussion on Article 15.

Any discussion on Article 15?

Hearing none, the question will come on the divided motion. The first: to add a Housing Coordinator M-6, minimum 29.50, maximum 38.47. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.

The second division: Community Development Director, Grade M-10, minimum 38.45, maximum 50.17. All those in favor signify by saying aye.
[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: Hmm. All those in favor, signify by standing and the tellers return a count.

It seems like a lot of you didn’t vote on this.

MS. LICHTENSTEIN: [No mic:] Point of order.

THE MODERATOR: Yeah. Point of order?

MS. LICHTENSTEIN: Was there a time when we could – I’m sorry, Leslie Lichtenstein, Precinct 8.

Were we asked to be able to discuss adding a Community Development Director?

THE MODERATOR: I said is there any discussion on the motion, the main motion, and –

MS. LICHTENSTEIN: On the first one, yes, but –

FROM THE FLOOR: No, no –

THE MODERATOR: There’s only one main motion, and we divided the question. So,
clearly people don’t understand.

So everybody sit down; we’ll do this again.

Does anybody want to talk on this article’s main motion?

MS. LICHTENSTEIN: Yes.

THE MODERATOR: Ms. Lichtenstein.

MS. LICHTENSTEIN: Thank you.

When we divided, I did not understand we were doing the second one. It is my understanding the Community Development Director will be in charge of a group that hasn’t been formed yet. There’s to be meetings in the spring to discuss whether or not we’ll do this and what Community Development Director will cover.

I’m just feeling that we are funding a position and we haven’t yet funded or decided we’re going to have the committee that he will be in charge of. It’s one of these things: “if you make it, they will come”. I think we should have the meetings in the spring and decide whether or not this position is needed. If the town decides that it is needed, then we add the
position. I’m not sure we should add a position
and then in the spring have meetings.

THE MODERATOR: Okay, Mr. Suso.

MR. SUSO: Thank you, Mr. Moderator.

Julian Suso, Falmouth Town Manager.

Just to clarify. First of all, this
position’s already been created. As per the
Charter, it’s been created by a vote of the Board
of Selectmen, discussed publicly at their
meeting, and the position is in existence.

This action as proposed will merely
place the position in the Town’s Classification
Plan. It will not fund the position. There is
no funding for this position currently, nor is it
proposed currently. It’s merely placing it, an
existing position that’s been created in the
Classification Plan with the grade of M-10 as
noted.

We would be coming back to Town Meeting
at a subsequent time. At the time, we would ask
for funding to be put in place to allow the
position to go forward. So this is just the
next logical step in the process in creating the
position.
And by the way, there’s a companion couplet with this, Mr. Moderator, where we indicate that, to offset the potential future cost of this position, we would be deleting an existing vacant position. So that’s why there is an addition, followed by a deletion. And there would be a net increase in the range, and we have that figure; I’d be happy to present it.

But there would be an addition and a deletion, but this involves no funding for the position whatsoever. It cannot be advertised, nor will it be. It cannot be filled until we would return to the Board of Selectmen, the Finance Committee and Town Meeting, no earlier than the spring – perhaps not then, but that would be the earliest -- to ask for you to set aside funding for this to go forward.

This merely places it in the Classification Plan.

THE MODERATOR: Mr. Patterson.

MR. PATTERSON: The creation of this – Sam Patterson, Selectman and Precinct 2 Town Meeting member.

The Selectmen placed this on the
Strategic Plan two years ago; it’s still on the
Strategic Plan. Why? Because things are
always changing. And if we’re not keeping our
eye on what the impacts of those changes are,
we’re going to slip behind.

I worked for two different general
managers and their mantra to their lieutenants
basically was: “fail to plan, plan to fail”. Or
at least, don’t succeed as well. Of course, it
was a competitive, free enterprise kind of
business, but we should have the same kind of
sense of let’s take a look and make sure that
we’re looking at those factors that are going to
be changing our community, and do our best to
adapt to them in the most constructive and
advantageous way. And so I think that’s what’s
been tried.

What are some of the symptoms? We’ve
been told that we, Barnstable County, is the
fifth oldest county in the United States. That
wasn’t true when my family and I moved here 25
years ago. That’s a change that’s going to
impact how this economy and our economic vitality
works.
We know what the information technology world is like, the technology that is. Now, Internet service is considered to be part of the infrastructure that a community depends on. We have this enormous Open Cape Internet capability that supplies the Woods Hole Oceanographic Institution, Marine Biological Laboratory, all of the Town buildings, all of the schools, the Library. But most people and businesses cannot afford to connect to it. It’s an enormous capability that certainly in the 21st Century is going to have to be available to us if we’re going to be able to adapt and maintain our economic vitality.

If you look at what’s been happening to the traffic coming into this town on 28, coming down MacArthur Boulevard and then from the east, coming in through East Falmouth, there are huge backups of people who are commuting in here, many of whom are here to do work in this community. Because they can’t afford to live in Falmouth. The last few department heads that we’ve hired, here, we had to make exceptions for because they could not afford to relocate to Falmouth.
These are all factors that are impacting us. Well, we don’t have any person on the staff that’s trying to identify all these factors and advise us on the kinds of things that we should be looking at to control our destiny here in Falmouth. And so that’s the reason why we have put it on the Strategic Plan to put somebody in charge.

The governor actually has – and it’s not just Governor Baker, but previously. There are economic development regions that have been set aside in the state of Massachusetts. I went to one of the regional meetings. There was nobody from our staff or any of our committees represented on that meeting. And it was a strategic planning meeting to kind of advise. There were community colleges represented so that they could provide the education for the kinds of jobs that various communities thought that they would probably need to support their economy.

Nobody from Falmouth was there to pick up on the kinds of changes that are going on across this state and think about the impact it’s going to have on Falmouth, itself.
That’s the real purpose of creating a position like this, is to give somebody that assignment: to keep their ears to the ground, identify those kinds of things that are happening across the state, across the country, and advise us on the things that we should probably be doing to adapt to what those factors might actually do to Falmouth.

So that’s what’s behind this and why we felt it was an important position to create. And they could consolidate the efforts of many of the Town departments and many of our committees –

THE MODERATOR: Okay, Mr. Patterson,

we’re at four.

MR. PATTERSON: Thank you, that’s it.

THE MODERATOR: Okay, Ms. Welch.

Up in the back.

MS. WELCH: Kelly Welch, Precinct 2.

I don’t – did you want to stay with the same topic? Because I would like to actually speak on the Assistant Wastewater.

THE MODERATOR: No –

MS. WELCH: Okay.

THE MODERATOR: – the debate is on the
whole article, the main motion.

MS. WELCH: I just wanted to make sure if you wanted to -

THE MODERATOR: Only when we go to the vote, will we take the vote line item by line item. So we’re debating the main motion, which is these three things. But when we take the vote, we’ll vote on each one yes or no individually.

MS. WELCH: Okay. I just didn’t want to make it confusing.

So I would like additional clarification on how with the addition of so many major wastewater projects we could possibly be eliminating a position in that department. Have job duties been reassigned? Job descriptions changed? Or are we just expecting Ms. Lowell to do the job of two people?

THE MODERATOR: Mr. Suso.


The projects to which you refer are nearly completed, the lion’s share, as has been reported earlier. So we have determined, prior
to filling the position of Wastewater Superintendent -- which as you know Amy Lowell has ably accepted -- we’ve made the determination that the Assistant Wastewater Superintendent position is not needed as a long-term position in the Town’s Organization Plan. And it was a temporary accommodation that was needed for circumstances at that time. But, again, we have determined through an internal analysis that that is not needed going forward. And in Amy Lowell we have a highly qualified person as Wastewater Superintendent, and appropriate support staff in the wastewater area to carry out the mission of that department.

THE MODERATOR: Okay, Mr. Heath.

MR. HEATH: My question is one more of structure as opposed to the need for the work that has to be done.

I was on the Charter Review Committee some years back and I’m a big believer in charters, in constitutions. That I would be interested in hearing how this is compatible with the Charter for the Planning Board which has specific responsibility for this task. That’s
part of the Charter.

The need is there. There’s no question
the need is there. I’m questioning the
structure and how you rationalize or answer that
question.

THE MODERATOR: Mr. Suso.

MR. SUSO: Certainly, Mr. Heath. The
Planning Board is only one of several boards and
commissions that this position would be working
in tandem with. Certainly the Planning Board’s
an important one. Also be working with a number
of other departments, including the zoning
administrator, Zoning Board of Appeals,
Conservation Commission, our conservation
administrator, our building commissioner, our
Board of Health and our Health Agent. That’s an
example of a number of boards and commissions.

Also be working in tandem with housing-
related agencies and the Historical Commission as
well.

So, it’s really a synthesis position
working across and with several existing
departments along the lines that Selectman
Patterson has described, and is really an
appropriate consolidation as he noted in, and
which does appear for the second year, now, in
the Selectmen’s Strategic Plan.

The process that’s underway currently is
an analysis of alternative structures for that -
for bringing all these permitting agencies
together. It is not an analysis as to whether
this position is needed; it is clearly needed.
It is about how to pull that structure together,
working in cooperation and respect with all of
our present boards and commissions. And there
will be that alternative report issued to the
Board of Selectmen and the community in the
spring of the coming year.

THE MODERATOR: Ms. Peterson.

MS. PETERSON: Hi, Laura Peterson,

Precinct 3.

The Community Development Director I
think I would be excellent at. So, as a
position, it’s a very good position.

But I believe the rate that you’re
talking about, I did some quick math, this is
like a $90,000 a year position. It could be.
It could be higher, it could be a little lower.
And so, if we don’t have, you know, the work that
you just mentioned that’s going to be done to
sort of flesh out this position a little bit
more, you know, it just seems like a lot, another
layer being put into our town government that I
don’t feel like, as Ms. Lichtenstein said, I
don’t feel like we have all the details on it
yet.

And the only other piece that I wanted
to say is it would be possible to bring it back
and then ask for the funding then, like we did
with the Housing Coordinator.

So, thank you.

THE MODERATOR: Okay. Mr. Clark.

MR. CLARK: Thank you, Peter Clark,
Precinct one.

The question I think does for me lead to
structure in the sense of the scope of authority
of the person. You might well have a person who
is speaking to the Town Manager and working in
tandem with a bunch of other people, or you could
have a person who in fact oversees the work of
those other departments. And that might well
change the grade and the amount of money that you
pay that person.

So, if that hasn’t been determined yet, would you be having to readjust, depending on the ultimate authority of that person?

MR. SUSO: That’s a great question. That has been determined and there is a formal job description which has been adopted as part of the creation of the position by the Board of Selectmen. That has already occurred and been discussed at Selectmen’s meeting and voted to affirm the creation.

And, again, action by Town Meeting tonight would only place the position in the Classification Plan. The compensation is consistent with the job description which was proposed, discussed and created at that time.

THE MODERATOR: Okay, Ms. Lichtenstein.

Ms. Davis, you’re on the list.

MS. LICHTENSTEIN: Leslie Lichtenstein, Precinct 8.

I just have one question: is the Community Development Department an actual department right now in the Town of Falmouth?

And if it isn’t, why are we looking for
a manager for it? Why can’t we create the
department and then create the position?

THE MODERATOR: Mr. Suso.

MS. LICHTENSTEIN: I’m not against
this. I’m just saying that I think we’re
putting the cart before the horse.

MR. SUSO: The decision was made in the
Board of Selectmen’s Strategic Plan, again, for
the second year running, to create this position,
to place it in the Classification Plan, and at
the same time to have the analysis done about the
final structure of the department.

But it was unquestioned in terms of the
dialogue by the Board of Selectmen in the
creation of the position that the position is
necessary along the lines that I think were well
articulated by Selectman Patterson.

So, I recognize that not all would agree
about taking the step in this sequence, but that
is the decision that was made and that is why we
are bringing it forward to you.

But I do want to underscore that it’s
not being funded. It’s merely placing it, an
existing position, now, in the Classification
Plan in a position that is demonstrated and appropriate for the level of responsibility in the job description which has been adopted, as well.

So, that is the reason it’s been brought forward in the procedure it has been.

THE MODERATOR: Okay, Ms. Davis.

MS. DAVIS: Linda Davis, Precinct 8.

My question is: how does the proposed status of this position and how Town Meeting is asked to deal with it, compare – compared to the vote the Town Meeting took to support the position of a Solid Waste Manager?

Town Meeting voted for a Solid Waste Manager. That position has not been filled. How does that situation compare with what we’re being asked to do today?

THE MODERATOR: Mr. Suso.

MR. SUSO: Town Meeting voted to approve the position of Deputy Public Works Director, and the job description which was presented at that time included responsibility for all solid waste management duties. That is the way that was accommodated. It was approved
by Town Meeting. It was placed in the Classification Plan and Peter McConarty is our incumbent.

MS. DAVIS: Yes. I understand that. But I don’t know if that had been made absolutely clear to Town Meeting that that – that that change would – accommodated that new creation of that.

I have no trouble, I have no trouble with those duties being placed somewhere, but I have trouble with the fact that that position, which had been recommended as early in the 1990's and finally got to Town Meeting and supported, was reshaped, let us say.

THE MODERATOR: Okay.

MS. DAVIS: Thank you.

THE MODERATOR: Yes, Mr. Netto. No. Mr. Mustafa.

Yes, you’re on the list.

MR. MUSTAFA: Ahmed Mustafa, Precinct four.

Mr. Moderator, computers are a terrible thing. When I first heard about the Computer Development Director, I started going into the
computer, checking and so on and so forth. It led me to Mass. General Law Chapter 40R and Chapter 40S.

Now, Chapter 40 as you well know are the rules and regulations that the Town falls under. However it also led me to 760 Code of Mass. Regulations 59, and in there it says the Department of Housing and Community Development Department. And then it goes on to say: it is the purpose of Mass. General Law 40R and 760 CMR 59 to encourage smart growth and increase housing production in Massachusetts. There’s a lot of paperwork here on the different things.

I’d just like to find out, because this is all going to be on record, exactly what your Community Development Coordinator is as compared to what Mass. General Law says.

MR. SUSO: As I noted, we have an adopted job description for the position and anyone is welcome to compare the job description which has been voted and approved for this position with whatever it is you’re describing. But I want to note that, you know, we’re guided by the Town Charter and by the interpretation of
Town Counsel in terms of the way that we proceed. And statutory issues do not always take precedence over the Town Charter. I don’t know in that particular case, but I want to be guided by Town Counsel.

We are happy to contrast the two issues that you bring up with the job description that’s already been approved.

THE MODERATOR: Okay, Mr. Latimer.

Mr. Netto, I’ll add you to the list.

MR. LATIMER: Thank you. Thank you, Mr. Moderator. Richard Latimer, Precinct one.

I don’t have enough information to vote for this, and I don’t think anyone here does. We say there’s a job description for this position, but I looked in the appendix, here; I don’t see that job description.

We could have gone to the Selectmen’s Office, yes, but if everyone here went to the Selectmen’s Office I think the staff there would be overworked.

My concern is is this simply an advisory position? Which I think would be a perhaps a useful thing to have. Or is this going to be
someone who has some kind of authority, whether it’s under a statute such as Ahmed has mentioned, to override other boards, or to influence – give the Selectmen a basis to do that?

I don’t see that we’ve got enough information on this. And I would just simply vote no on this article until we have a clear understanding of what the position is.

Now, somebody said, “Well, let’s form the department and the department will be tasked; then we would know what the position would be.” It would be the head of that department with that task. But we don’t even have that. I think it’s too amorphous, now, to make any kind of a vote in favor of this.

MR. SUSO: Mr. Moderator –

THE MODERATOR: Mr. Suso.

MR. SUSO: – we do have the job description on a PowerPoint –

THE MODERATOR: Yeah, I’m looking at it and I’m wondering why the Town Meeting members can’t see it.

MR. SUSO: – if there’s – yes. If there’s –
THE MODERATOR: It’s on my screen.

MR. SUSO: – a desire to see it, we’ll have it put up on the screen.

FROM THE FLOOR: Yes.

MR. SUSO: It is a multi-page document and we can walk through it word by word if that’s the desire.

This is Grade M-10 Community Development Director. And, again, it goes on for several pages. And, as was noted, it is available for anyone who would like to see it. And here’s the description.

This was reviewed and presented at the meeting of the Board of Selectmen at which the position was created.

THE MODERATOR: Okay, Ms. Fenwick, you’re next on my list. Where is she at now? Oh, over there.

And then Ms. Connolly.

MS. FENWICK: Judy Fenwick, Precinct one.

I see another instance of where we’re coming to change, the idea of change, very slowly. So I just want to clarify a couple of
points I’ve picked up so far in this discussion.

The position has been created. The Community Development Department has not been fully fleshed out in a description that we as a body can see, is that correct?

THE MODERATOR: Mr. Suso.

MR. SUSO: That is correct. That would be forthcoming prior to your being asked to fund the position.

MS. FENWICK: Okay. And when the position – when you come to us to fund the position, how will the budget show that this position would be there? Is it going to be in a line item for the department?

MR. SUSO: I can’t say at this point because it’s premature, but I can assure you that it will be flagged as an independent position with a dollar amount attributed to it. And a certain date at which that position would be filled, and no sooner.

MS. FENWICK: And one last question. What’s the time line on fleshing out this new department?

MR. SUSO: We anticipate that the study
that’s currently underway -- some of you who are members of boards and commissions have already spoken to the consultant. I know not every board and commission member. But selected ones from each affected board and commission have already been sought out and been interviewed.

What we anticipate, Ms. Fenwick, is late winter to early spring of the coming year for alternatives for the department’s structure to be presented.

THE MODERATOR: Okay, Ms. Connolly, up in the rafters.

Yeah, you’re on the list. I’ll add you to the list.

MS. CONNOLLY: Hi, sorry, hi. Anne Connolly, Precinct six.

Yup, I’m also the Executive Director for the Falmouth Housing Trust.

This Community Development Director position is important for anybody who’s trying to do any development or business for the Town of Falmouth. As it exists now, the town’s - and this is not a shot at anybody - the departments are, I guess the nicest way to say it is the
interfacing isn’t always as smooth as it could be.

This is an effort by the Board of Selectmen and Julian to streamline that process. It’s an effort to streamline any new development coming into town. So a big 40B rolling into town would meet with this person. They would hear firsthand what the Town wants out of a massive development. And we would be able to negotiate with developers. We’d be able to be in a much better position.

This body just voted the Housing Coordinator position, which is personally extremely exciting for me. However, that person’s going to be flying out there by themselves, reporting directly to the Town Manager, who does a great job, but he does not have the ability to personally supervise all the housing-related issues.

This Community Development Director would be the Housing Coordinator’s direct report. I mean, well, reverse that, sorry. The Housing Coordinator would be the direct – would report to the Community Development Director and it would
include, my understanding is, Zoning Board of Appeals, Planning, Building, Health Department, Affordable Housing, Historic Preservation.

So it would really give a one stop land use department and a vision for future development. I think it’s incredibly important. You’re not being asked to vote on money. You’re being asked to vote on a classification.

This is pretty standard around the Commonwealth with other towns. Perhaps Mr. Suso could comment on that.

I encourage you to vote for it.

Thanks.

THE MODERATOR: Okay, Mr. Netto.

MR. NETTO: Joe Netto, Precinct nine.

Fellow Town Meeting members, no position in the Town is created unless we vote for it. As I stand here as a Town Meeting member with my warrant book, which is supposed to give me the information that I’m supposed to use to form an opinion of how to vote. And sometimes we get handouts as we walk through the door. More information.

If you take what’s been given and
written in this warrant book - how - I’m not saying that this position is not needed, or any of these positions are not needed, but I cannot agree with a process that the Board of Selectmen have taken to give us to create this position.

Mrs. Peterson, you’re a little short.

If you just round it off at $50 an hour, times a 40 hour week, that’s two times 52 is a hundred and four, plus benefits, it’s quite a position for me to create with one paragraph of information. I cannot support the creation of a position with such little information.

I have heard different things. I haven’t seen anything that quick what this person - not he or she - is going to oversee.

Well, that’s great that the Board of Selectmen have created a job description. Wouldn’t it have been nice if they shared that with us, the group that votes whether or not we’re going to put this into our Town management plan.

And then I was here in Town Meeting - as I’m sure some of you were - on the last - when we’re [inaudible] the Assistant Wastewater
Manager. I was never told that that was a temporary position. It's very difficult to talk about these positions, one where we have somebody who was in. I have a hard time accepting that explanation that things are going so smoothly.

I told you earlier I just got connected. I'm number 95 that's been connected to the sewer. It boggles my mind how we can add 1500 units to the sewer system and we're going to get rid of the Assistant Wastewater Manager? Those of you that own private businesses, do you increase your sales and decrease your staff? You must have some very, very efficient people.

I just do not agree, and will vote against this.

Some positions are clearly -- they're descriptive in its nature. The Chief of Police wants another patrolman. We don't - I have no idea what this person, as a Community Development Director, is going to do. I have heard people on the street, and that's nothing official. The Town of Falmouth doesn't do business in the Dunkin' Donuts, it does business here.

You did not give us enough in - you did
not give me enough information to create a
position that’s over $100,000 with that little
paragraph down the bottom.

I’d have to say the Housing Coordinator
is kind of self descriptive, I guess. And don’t
worry about the funding because we’ve got a
grant.

I cannot support this right now on the
lack of information –

THE MODERATOR: Okay, Mr. Netto –

MR. NETTO: – you’ve provided us.

Thank you.

THE MODERATOR: Okay.

Ms. Szuplat.

Yes, to your right.

MS. SZUPLAT: Hi, Peggy Szuplat,

Precinct 7.

I’m just wondering about the Assistant
Wastewater Manager. Didn’t we pay a lot of
money quite a few years ago for a big Matrix
study on how to staff the DPW and everything?
And how does eliminating this position fall into
that set up?

I guess it would be to Mr. Jack.
THE MODERATOR: Can anybody tell us what the Matrix study said about an Assistant Wastewater Manager?

Mr. Suso.

MR. SUSO: I don’t have that level of information with me, but I can tell you that study is over 20 years old. So it’s very, very dated, and I suspect it did not take a look at our current - anything approaching our current method of operations.

But, certainly happy to look at that and get back.

FROM THE FLOOR: Point of order.

THE MODERATOR: Okay, Mr. Keefe.

FROM THE FLOOR: Point of order.

THE MODERATOR: Point of order means I’m doing something wrong running this meeting. What am I doing wrong?

FROM THE FLOOR: [No mic: inaudible.]

THE MODERATOR: Yes, we don’t need that one yet.

Mr. Keefe.

MR. KEEFE: Brian Keefe, Precinct 4. I move to call the question.
THE MODERATOR: The question comes on closing discussion. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: The ayes have it by the two-thirds majority and the question is called.

So we’re going to go back, now, to the division of the question. I’m going to, since there was some confusion, I’m going to start with the Housing Coordinator position again, because we re-opened debate.

So, you vote yes or no in each of the three line items.

Number one: to add the Housing Coordinator. All those in favor signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[None opposed.]

THE MODERATOR: The ayes have it unanimous.
Second: to add the Community Development Director. All those in favor, signify by saying Aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

THE MODERATOR: All those in favor signify by standing and the tellers will return a count. This is to add the Community Development Director.

[Pause.]

THE MODERATOR: In the third division.

MS. SCHNEIDER: 23.

THE MODERATOR: 23.

In the second division.

MS. CUNY: 32.

THE MODERATOR: 32.

In the first and the fourth division?

MR. NETTO: 31.


All those opposed signify by standing and the tellers will return a count.

[Pause.]

THE MODERATOR: In the third division.
MS. SCHNEIDER: 22.

THE MODERATOR: 22.

In the second division.

MS. CUNY: 40.

THE MODERATOR: 40.

In the first and the fourth divisions?

MR. NETTO: 42.

THE MODERATOR: 42.

By a counted vote of 86 in favor and 104 opposed, the second position is not created.

The question now comes on deleting the Assistant Wastewater Manager.

All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]

[Laughter.]

THE MODERATOR: Let’s try it one more time. All those in favor, signify by saying aye.

[Aye.]

THE MODERATOR: All those opposed no.

[No.]
THE MODERATOR: All those in favor signify by standing and the tellers will return a count. The acoustics are different in this building, Folks.

[Pause.]

THE MODERATOR: This looks clear, but it didn’t sound clear.

In the third division.

MS. SCHNEIDER: 40.

THE MODERATOR: 40.

In the second division.

MS. CUNY: 57.

THE MODERATOR: 57.

In the first and the fourth divisions?

MR. NETTO: 42.

THE MODERATOR: 42.

All those opposed signify by standing and the tellers will return a count. All those opposed to deleting the Assistant Wastewater Manager.

[Pause.]

MS. SCHNEIDER: 4.

THE MODERATOR: 4.

Did people change your votes on this one
or what?  It sounded a lot closer, man.

Everybody up hear is like, “It sounded a lot
closer than that.”

Second division.

MS. CUNY:    7.

THE MODERATOR:  7.

In the first and the fourth division.

MR. NETTO:    29.

THE MODERATOR:  29.

By a counted vote of 139 in favor and 40
opposed, we delete the Assistant Wastewater
Manager.

And by call of the Chair, this meeting
will stand adjourned until seven o’clock
tomorrow.

[10:57 p.m. Whereupon, meeting adjourned.]
CERTIFICATE

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BARNSTABLE, SS

I, Carol P. Tinkham, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing is a true and accurate record of Falmouth Annual Town Meeting, taken by me on Monday, November 14, 2016. To the best of my ability the within transcript is a complete, true and accurate record of said Town Meeting.

In witness whereof, I have hereunto set my hand and Notary Seal this 13th Day of December, 2016.

_____________________________
Carol P. Tinkham, Notary Public
My Commission Expires:
April 21, 2017

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